

Exhibit A



State of Alabama Unified Judicial System Form ARCiv-93 Rev.5/99	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Ca: 61 Date of Filing: 10/31/2016 Judge Code:
GENERAL INFORMATION		
IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA CLAYTON GARDNER v. LG ELECTRONICS, INC. ET AL		
First Plaintiff: <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual First Defendant: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other <input type="checkbox"/> Government <input type="checkbox"/> Other		
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:		
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input checked="" type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____ TORTS: PERSONAL INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Service	OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
ORIGIN: F <input checked="" type="checkbox"/> INITIAL FILING A <input type="checkbox"/> APPEAL FROM DISTRICT COURT O <input type="checkbox"/> OTHER R <input type="checkbox"/> REMANDED T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT		
HAS JURY TRIAL BEEN DEMANDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)		
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED		
ATTORNEY CODE: BRO211 10/31/2016 3:05:06 PM /s/ JONATHAN LYN BROGDON Date Signature of Attorney/Party filing this form		
MEDIATION REQUESTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNDECIDED		

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

v.

 LG ELECTRONICS U.S.A., INC.,
 VAPOR'S SOURCE, CC'S TOBACCO
 and PACKAGE, and FICTITIOUS
 DEFENDANTS A THROUGH C,

Defendants.

Civil Action No.: _____

COMPLAINT

Comes now the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and for his Complaint against the Defendants, LG Electronics, U.S.A., Inc., Vapor's Source and CC's Tobacco and Package states as follows:

PARTIES

1. Clayton Gardner (hereinafter "Gardner") is an individual over the age of 19 years and a resident of the City of Pell City, County of St. Clair, Alabama.

2. LG Electronics, U.S.A., Inc., (hereinafter "LG Electronics") is a foreign corporation authorized to do business in the State of Alabama.

3. Vapor's Source (hereinafter "Vaper's Source"), is, upon information and belief, a registered company headquartered in the State of Alabama and doing business in the City of Trussville, County of Jefferson, Alabama.

4. CC's Tobacco and Package (hereinafter "CC's"), is, upon information and belief, a registered company headquartered in the State of Alabama and doing business in the City of Talladega, County of Talladega, Alabama.

5. Fictitious Defendants A through C are those persons or entities whose responsibility it was to ensure a safe design and/or manufacturing of the Vaporesso Tarot – 200w vape device and/or the battery used in the Vaporesso Tarot – 200w vape device. The identities of Fictitious Defendants A through C is not known at this time, but will be substituted once known.

FACTS

6. In or about June 16, 2016, Gardner purchased a Vaporesso Tarot vapor device from CC's in Talladega, Alabama.

7. In or about November 2015, Gardner purchased a 200w battery from Vapor's Source in Trussville, Alabama for the Vaporesso vape device.

8. In or about July 6, 2016, Gardner was at the Holiday Inn in Talladega, Alabama for a job interview.

9. Gardner stepped outside and used his Vaporesso Tarot – 200w vape device, placing it in the front pocket of his pants after using it.

10. Approximately 15 minutes later the Vaporesso Tarot – 200w caught fire while still in the front pocket of Gardner's pants.

11. Gardner suffered first and second degree burns over his legs, pelvis and abdomen.

COUNT I

Negligence

12. Plaintiff hereby adopts and incorporates paragraphs 1 through 11 above as if fully set forth herein.

13. Defendants owed a duty to Gardner to manufacture a safe product.

14. Defendants breached the duty to Gardner by negligently failing to manufacture the battery and/or the Vapresso Tarot – 200w in a safe manner.

15. Gardner was injured as a result of Defendants' negligence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants in an amount to be determined at trial, including compensatory damages and mental anguish damages.

COUNT II

Wantonness

16. Plaintiff hereby adopts and incorporates paragraphs 1 through 15 above as if fully set forth herein.

17. Defendants owed a duty to Gardner to manufacture a safe product.

18. Defendants breached a duty to Gardner by wantonly failing to manufacture the Vapresso Tarot – 200w in a safe manner.

19. Gardner was injured as a result of Defendants' wantonness.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant in an amount to be determined at trial, including compensatory damages, mental anguish damages and punitive damages.

COUNT III

Alabama Extended Manufactures Liability

20. Plaintiff hereby adopts and incorporates paragraphs 1 through 19 above as if fully set forth herein.

21. The Defendants, acting together or independently, were negligent in their design, construction, assembly, manufacture, marketing and/or sale of the vape machine and/or the battery inside the machine.

22. Plaintiff suffered serious physical injuries while using the device for its intended use as a result of the Defendant's negligence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant in an amount to be determined at trial, including compensatory damages, mental anguish damages and punitive damages.

Respectfully submitted on this the 31st day of October, 2016.

/s/Jonathan L. Brogdon

JONATHAN L. BROGDON (BRO211)
Attorney for Plaintiff

OF COUNSEL:

CHURCH BROGDON, PC

2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens

JOEY STEVENS (STE138)

OF COUNSEL:

The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011

PLEASE SERVE DEFENDANT VIA CERTIFIED MAIL TO THE FOLLOWING ADDRESS:

**LG Electronics, Inc.
c/o W.S. Yang
201 James Record Road
Huntsville, Alabama 35806**

PLEASE SERVE DEFENDANT VIA SHERIFF TO THE FOLLOWING ADDRESS:

**Vapor's Source
7268 Gadsden Highway
Suite 104
Trussville, Alabama 35173**

PLEASE SERVE DEFENDANT VIA SHERIFF TO THE FOLLOWING ADDRESS:

**CC's Tobacco and Package
8045 Stemley Bridge Road
Talladega, Alabama 35160**



AlaFile E-Notice

61-CV-2016-900361.00

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following complaint was FILED on 10/31/2016 3:05:15 PM

Notice Date: 10/31/2016 3:05:15 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC.
C/O W.S. YANG
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: VAPOR'S SOURCE
7268 GADSDEN HIGHWAY
SUITE 104
TRUSSVILLE, AL, 35173

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following complaint was FILED on 10/31/2016 3:05:15 PM

Notice Date: 10/31/2016 3:05:15 PM

Service by sheriff in 01 - JEFFERSON - BIRMINGHAM County

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following complaint was FILED on 10/31/2016 3:05:15 PM

Notice Date: 10/31/2016 3:05:15 PM

Service by sheriff in 61 - TALLADEGA - TALLADEGA County

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 61-CV-2016-900361.00
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IN THE CIRCUIT COURT OF TALLADEGA COUNTY
 CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

LG ELECTRONICS, INC., C/O W.S. YANG 201 JAMES RECORD ROAD, HUNTSVILLE, AL 35806

NOTICE TO _____

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JONATHAN LYN BROGDON

WHOSE ADDRESS IS 2101 1st Avenue North, Pell City, AL 35125

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☒ Service by certified mail of this summons is initiated upon the written request of CLAYTON GARDNER

pursuant to the Alabama Rules of the Civil Procedure

Date 10/31/2016 3:05:15 PM /s/ BRIAN YORK

Clerk/Register

P O BOX 6137

TALLADEGA, AL 35160

☒ Certified Mail is hereby requested /s/ JONATHAN LYN BROGDON

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____ (Date)

Date _____	Server's Signature _____	Address of Server _____
Type of Server _____	Server's Printed Name _____	_____
		Phone Number of Server _____

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 61-CV-2016-900361.00
---	------------------------------------	---

IN THE CIRCUIT COURT OF TALLADEGA COUNTY
 CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

VAPOR'S SOURCE, 7268 GADSDEN HIGHWAY SUITE 104, TRUSSVILLE, AL 35173

NOTICE TO _____

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☐ Service by certified mail of this summons is initiated upon the written request of _____

pursuant to the Alabama Rules of the Civil Procedure

Date 10/31/2016 3:05:15 PM /s/ BRIAN YORK

Clerk/Register

P O BOX 6137

TALLADEGA, AL 35160

☐ Certified Mail is hereby requested _____

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____ (Date)

Date _____	Server's Signature _____	Address of Server _____
Type of Server _____	Server's Printed Name _____	_____
		Phone Number of Server _____

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 61-CV-2016-900361.00
---	------------------------------------	---

IN THE CIRCUIT COURT OF TALLADEGA COUNTY
 CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

CC'S TOBACCO & PACKAGE, 8045 STEMLEY BRIDGE ROAD, TALLADEGA, AL 35160

NOTICE TO _____

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WHOSE ADDRESS IS 2101 1st Avenue North, Pell City, AL 35125

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☒ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☐ Service by certified mail of this summons is initiated upon the written request of _____

pursuant to the Alabama Rules of the Civil Procedure

Date 10/31/2016 3:05:15 PM /s/ BRIAN YORK

Clerk/Register

P O BOX 6137

TALLADEGA, AL 35160

☐ Certified Mail is hereby requested _____

Plaintiff's/Attorney's Signature

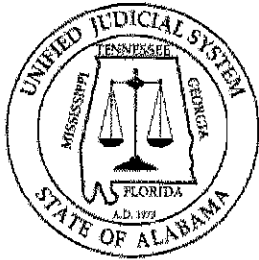
RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____ (Date)

Date _____	Server's Signature _____	Address of Server _____
Type of Server _____	Server's Printed Name _____	_____
		Phone Number of Server _____



NOTICE TO CLERK

REQUIREMENTS FOR COMPLETING SERVICE BY
CERTIFIED MAIL OR FIRST CLASS MAIL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

61-CV-2016-900361.00

To: CLERK TALLADEGA
clerk.talladega@alacourt.gov

TOTAL POSTAGE PAID: \$6.68

Parties to be served by Certified Mail - Return Receipt Requested

LG ELECTRONICS, INC.
C/O W.S. YANG
201 JAMES RECORD ROAD
HUNTSVILLE, AL 35806

Postage: \$6.68

Parties to be served by Certified Mail - Restricted Delivery - Return Receipt Requested

Parties to be served by First Class Mail

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
0 CV-16-900361 USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.68
Postmark Here	
Sent To: LG Electronics, Inc. to W.S. Yang	
Street & Apt. No. or P.O. Box No. 201 James Record Rd	
City, State, ZIP+4 Huntsville, AL 35806	
PS Form 3800, July 2014 See Reverse for Instructions	

State of Alabama
Unified Judicial System
Form C-34 Rev 6/88

SUMMONS
- CIVIL -

Case Number:
61-CV-2016-900361.00

IN THE CIRCUIT COURT OF TALLADEGA COUNTY
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

2016 NOV -8 PM 7:40

NOTICE TO

CC'S TOBACCO & PACKAGE, 8045 STEMLEY BRIDGE ROAD, TALLADEGA, AL 35160

BRIAN YORK
CIRCUIT CLERK

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JONATHAN LYN BROGDON

WHOSE ADDRESS IS 2101 1st Avenue North, Pell City, AL 35125

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☒ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☐ Service by certified mail of this summons is initiated upon the written request of _____ pursuant to the Alabama Rules of the Civil Procedure

Date 10/31/2016 3:05:15 PM /s/ BRIAN YORK
Clerk/Register
P O BOX 6137
TALLADEGA, AL 35160

☐ Certified Mail is hereby requested

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☒ I certify that I personally delivered a copy of the Summons and Complaint to _____

In Talladega

County, Alabama on 11-02-16 (Date)

Date

Server's Signature

Address of Server

Type of Server

Server's Printed Name

Phone Number of Server

61-CV-2016-900361.00

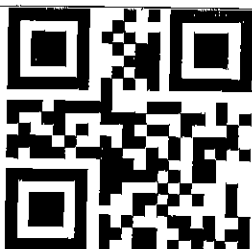
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

C001 - CLAYTON GARDNER

Plaintiff

v. D003 - CC'S TOBACCO & PACKAGE

Defendant



SERVICE RETURN



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was served on 11/2/2016

D003 CC'S TOBACCO & PACKAGE

Corresponding To
AUTHORIZED SERVICE

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was served on 11/2/2016

D003 CC'S TOBACCO & PACKAGE

Corresponding To
AUTHORIZED SERVICE

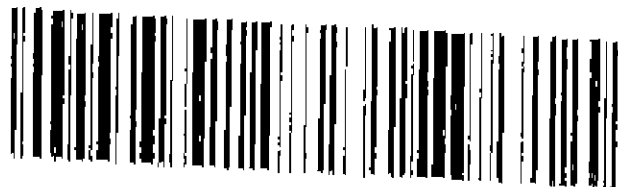
BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **CV-16-900361**
LG Electronics Inc.
C/o WS Yang
201 James Record Rd
Huntsville, AL 35806



9590 9402 2135 6132 9986 70

2. Article Number (Transfer from service label)

7014 2670 0000 4426 1914

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent

☐ Addressee

B. Received by (Printed Name)

JAMES WALENSKE

C. Date of Delivery

11-7-10

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

all Restricted Delivery



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF NO SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was not served on 11/7/2016

D001 LG ELECTRONICS, INC.

Corresponding To

OTHER

ONLY THE AGENT FOR SERVICE CAN ACCEPT SERVICE FOR AN LLC OR AN INC.

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF NO SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was not served on 11/7/2016

D001 LG ELECTRONICS, INC.

Corresponding To

OTHER

ONLY THE AGENT FOR SERVICE CAN ACCEPT SERVICE FOR AN LLC OR AN INC.

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC.,
 VAPOR'S SOURCE, CC'S TOBACCO
 and PACKAGE, and FICTITIOUS
 DEFENDANTS A THROUGH C,

Defendants.

Civil Action No.: _____

COMPLAINT

Comes now the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and for his Complaint against the Defendants, LG Electronics, U.S.A., Inc., Vapor's Source and CC's Tobacco and Package states as follows:

PARTIES

1. Clayton Gardner (hereinafter "Gardner") is an individual over the age of 19 years and a resident of the City of Pell City, County of St. Clair, Alabama.

2. LG Electronics, U.S.A., Inc., (hereinafter "LG Electronics") is a foreign corporation authorized to do business in the State of Alabama.

3. Vapor's Source (hereinafter "Vaper's Source"), is, upon information and belief, a registered company headquartered in the State of Alabama and doing business in the City of Trussville, County of Jefferson, Alabama.

4. CC's Tobacco and Package (hereinafter "CC's"), is, upon information and belief, a registered company headquartered in the State of Alabama and doing business in the City of Talladega, County of Talladega, Alabama.

5. Fictitious Defendants A through C are those persons or entities whose responsibility it was to ensure a safe design and/or manufacturing of the Vaporesso Tarot – 200w vape device and/or the battery used in the Vaporesso Tarot – 200w vape device. The identities of Fictitious Defendants A through C is not known at this time, but will be substituted once known.

FACTS

6. In or about June 16, 2016, Gardner purchased a Vaporesso Tarot vapor device from CC's in Talladega, Alabama.

7. In or about November 2015, Gardner purchased a 200w battery from Vapor's Source in Trussville, Alabama for the Vaporesso vape device.

8. In or about July 6, 2016, Gardner was at the Holiday Inn in Talladega, Alabama for a job interview.

9. Gardner stepped outside and used his Vaporesso Tarot – 200w vape device, placing it in the front pocket of his pants after using it.

10. Approximately 15 minutes later the Vaporesso Tarot – 200w caught fire while still in the front pocket of Gardner's pants.

11. Gardner suffered first and second degree burns over his legs, pelvis and abdomen.

COUNT I

Negligence

12. Plaintiff hereby adopts and incorporates paragraphs 1 through 11 above as if fully set forth herein.

13. Defendants owed a duty to Gardner to manufacture a safe product.

14. Defendants breached the duty to Gardner by negligently failing to manufacture the battery and/or the Vapresso Tarot – 200w in a safe manner.

15. Gardner was injured as a result of Defendants' negligence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants in an amount to be determined at trial, including compensatory damages and mental anguish damages.

COUNT II

Wantonness

16. Plaintiff hereby adopts and incorporates paragraphs 1 through 15 above as if fully set forth herein.

17. Defendants owed a duty to Gardner to manufacture a safe product.

18. Defendants breached a duty to Gardner by wantonly failing to manufacture the Vapresso Tarot – 200w in a safe manner.

19. Gardner was injured as a result of Defendants' wantonness.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant in an amount to be determined at trial, including compensatory damages, mental anguish damages and punitive damages.

COUNT III

Alabama Extended Manufactures Liability

20. Plaintiff hereby adopts and incorporates paragraphs 1 through 19 above as if fully set forth herein.

21. The Defendants, acting together or independently, were negligent in their design, construction, assembly, manufacture, marketing and/or sale of the vape machine and/or the battery inside the machine.

22. Plaintiff suffered serious physical injuries while using the device for its intended use as a result of the Defendant's negligence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant in an amount to be determined at trial, including compensatory damages, mental anguish damages and punitive damages.

Respectfully submitted on this the 31st day of October, 2016.

/s/Jonathan L. Brogdon
JONATHAN L. BROGDON (BRO211)
Attorney for Plaintiff

OF COUNSEL:
CHURCH BROGDON, PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens
JOEY STEVENS (STE138)

OF COUNSEL:
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011

PLEASE SERVE DEFENDANT VIA CERTIFIED MAIL TO THE FOLLOWING ADDRESS:

**LG Electronics, Inc.
c/o W.S. Yang
201 James Record Road
Huntsville, Alabama 35806**

PLEASE SERVE DEFENDANT VIA SHERIFF TO THE FOLLOWING ADDRESS:

**Vapor's Source
7268 Gadsden Highway
Suite 104
Trussville, Alabama 35173**

PLEASE SERVE DEFENDANT VIA SHERIFF TO THE FOLLOWING ADDRESS:

**CC's Tobacco and Package
8045 Stemley Bridge Road
Talladega, Alabama 35160**



AlaFile E-Notice

61-CV-2016-900361.00

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following alias summons was FILED on 11/8/2016 3:26:38 PM

Notice Date: 11/8/2016 3:26:38 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC.
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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brian.york@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 61-CV-2016-900361.00
---	------------------------------------	---

IN THE CIRCUIT COURT OF TALLADEGA COUNTY
 CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

LG ELECTRONICS, INC., C/O KYU M. YU 201 JAMES RECORD ROAD, HUNTSVILLE, AL 35806

NOTICE TO _____

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JONATHAN LYN BROGDON

WHOSE ADDRESS IS 2101 1st Avenue North, Pell City, AL 35125

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☒ Service by certified mail of this summons is initiated upon the written request of GARDNER CLAYTON

pursuant to the Alabama Rules of the Civil Procedure

Date 11/8/2016 3:26:38 PM /s/ BRIAN YORK

Clerk/Register

P O BOX 6137

TALLADEGA, AL 35160

☒ Certified Mail is hereby requested /s/ JONATHAN LYN BROGDON

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____ (Date)

Date _____	Server's Signature _____	Address of Server _____
Type of Server _____	Server's Printed Name _____	_____
		Phone Number of Server _____

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 61-CV-2016-900361.00
---	------------------------------------	---

IN THE CIRCUIT COURT OF TALLADEGA COUNTY
 CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

LG ELECTRONICS, INC., C/O KYU M. YU 201 JAMES RECORD ROAD, HUNTSVILLE, AL 35806

NOTICE TO _____

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WHOSE ADDRESS IS 2101 1st Avenue North, Pell City, AL 35125

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Clerk/Register

P O BOX 6137

TALLADEGA, AL 35160

☒ Certified Mail is hereby requested /s/ JONATHAN LYN BROGDON

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

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☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

_____ in _____ County, Alabama on _____ (Date)

Date _____	Server's Signature _____	Address of Server _____
Type of Server _____	Server's Printed Name _____	_____
		Phone Number of Server _____



NOTICE TO CLERK

REQUIREMENTS FOR COMPLETING SERVICE BY
CERTIFIED MAIL OR FIRST CLASS MAIL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

61-CV-2016-900361.00

To: CLERK TALLADEGA
clerk.talladega@alacourt.gov

TOTAL POSTAGE PAID: \$6.89

Parties to be served by Certified Mail - Return Receipt Requested

LG ELECTRONICS, INC.
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL 35806

Postage: \$6.89

Parties to be served by Certified Mail - Restricted Delivery - Return Receipt Requested

Parties to be served by First Class Mail

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
016 CV-16-900361.00	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.89
Sent To: LG Electronics, Inc. Street & Apt. No., or P.O. Box: 201 James Record Road City, State, ZIP+4: Huntsville, AL 35806	
PS Form 3800, July 2014 See Reverse for instructions	

7014 2870 0000 4426 2041

TALLADEGA AL 35160

Postmark
NOV 09 2016

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **CV-16-900361**

LG Electronics, Inc.
40 Kyu M. Yu
201 James Record Rd.
Huntsville, AL 35806



9590 9402 2135 6132 9988 47

2. Article Number (Transfer from carrier label)

7014 2870 0000 4426 2041**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

CIRCULATED
 16 NOV 16
 12:45

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Return Receipt for Merchandise☒ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Restricted Delivery

(over \$500)

Domestic Return Receipt



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF NO SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was not served on 11/16/2016

D001 LG ELECTRONICS, INC.

Corresponding To

OTHER

ONLY THE AGENT FOR SERVICE CAN ACCEPT SERVICE ON AND INC. AND LLC.

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joeystevens01@gmail.com

NOTICE OF NO SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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D001 LG ELECTRONICS, INC.

Corresponding To

OTHER

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CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
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256-761-2102
brian.york@alacourt.gov



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No.: CV-2016-900361
)	
LG ELECTRONICS U.S.A., INC.,)	
VAPOR'S SOURCE, CC'S TOBACCO)	
and PACKAGE, and FICTITIOUS)	
DEFENDANTS A THROUGH C,)	
)	
Defendants.)	

AMENDED COMPLAINT

COMES NOW, the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and hereby amends his Complaint, by changing the name of the Defendant previously identified as LG Electronics U.S.A., Inc., to its correct name LG Chem, Ltd. The Plaintiff further explicitly adopts and incorporates any and all facts, averments, counts and prayers for relief as set forth in her Complaint as if fully set forth herein.

Respectfully submitted on this the 29th day of November, 2016.

/s/Jonathan L. Brogdon
JONATHAN L. BROGDON (BRO211)
Attorney for Plaintiff

OF COUNSEL:
CHURCH BROGDON, PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens

JOEY STEVENS (STE138)

OF COUNSEL:

The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011



AlaFile E-Notice

61-CV-2016-900361.00

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following complaint was FILED on 11/29/2016 2:04:12 PM

Notice Date: 11/29/2016 2:04:12 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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61-CV-2016-900361.00

To: VAPOR'S SOURCE (PRO SE)
7268 GADSDEN HIGHWAY
SUITE 104
TRUSSVILLE, AL, 35173-0000

NOTICE OF ELECTRONIC FILING

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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

NOTICE OF ELECTRONIC FILING

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AlaFile E-Notice

61-CV-2016-900361.00

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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61-CV-2016-900361.00

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brian.york@alacourt.gov



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No.: CV-2016-900361
)	
LG CHEM, LTD,)	
VAPOR'S SOURCE, CC'S TOBACCO)	
and PACKAGE, and FICTITIOUS)	
DEFENDANTS A THROUGH C,)	
)	
Defendants.)	

STIPULATION OF PRO TANTO DISMISSAL

Comes now the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record, and pursuant to *Alabama Rules of Civil Procedure* Rule 41 (a)(1) hereby stipulates to the voluntary dismissal, *pro tanto*, of LG Electronics USA, Inc., as a party Defendant in this matter.

As grounds therefore, Plaintiff states as follows:

1. That after filing the filing of the complaint Plaintiff discovered that LG Chem Ltd. is the correct party Defendant and that LG Electronics USA, Inc., was not the correct party Defendant.
2. Plaintiff has amended his complaint to reflect the correct name as being LG Chem Limited.
3. That all other claims and counts shall remain pending against the remaining Defendants.

WHEREFORE, PREMISES CONSIDERED, Plaintiff hereby stipulates to the *pro tanto* dismissal of any claims against the entity previously identified as LG Electronics USA, Inc.

Done this the 7th day of December, 2016.

/s/Jonathan L. Brogdon

JONATHAN L. BROGDON (BRO211)

OF COUNSEL:

CHURCH BROGDON, PC

2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens

JOEY STEVENS (STE138)

OF COUNSEL:

The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011



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61-CV-2016-900361.00

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jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following STIPULATION OF DISMISSAL was FILED on 12/7/2016 2:33:46 PM

Notice Date: 12/7/2016 2:33:46 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
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61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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joestevens01@gmail.com

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jonathan@churchbrogdon.com

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STATE OF ALABAMA

Revised 3/5/08

Cas

Unified Judicial System

61-TALLADEGA

☐ District Court ☒ Circuit Court

CV21

CIVIL MOTION COVER SHEETCLAYTON GARDNER V. LG ELECTRONICS, INC.
ET AL

Name of Filing Party: C001 - GARDNER CLAYTON

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

JONATHAN LYN BROGDON

2101 1st Avenue North

Pell City, AL 35125

Attorney Bar No.: BRO211

☐ Oral Arguments Requested**TYPE OF MOTION****Motions Requiring Fee**

- ☐ Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment pursuant to Rule 56 (\$50.00)
- ☐ Motion to Intervene (\$297.00)
- ☒ Other
pursuant to Rule (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

☐ Local Court Costs \$ 0

Motions Not Requiring Fee

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during Trial)
- ☐ Disburse Funds
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Pendente Lite
- ☐ Plaintiff's Motion to Dismiss
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Vacate or Modify
- ☐ Withdraw
- ☒ Other Stipulation of Pro Tanto Dismissal
pursuant to Rule 41(a)(1) (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:
12/7/2016 4:50:20 PM

Signature of Attorney or Party
/s/ JONATHAN LYN BROGDON

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)
)
 Plaintiff,)
)
 v.)
)
 LG CHEM, LTD,)
 VAPOR'S SOURCE, CC'S TOBACCO)
 and PACKAGE, and FICTITIOUS)
 DEFENDANTS A THROUGH C,)
)
 Defendants.)

Civil Action No.: CV-2016-900361

STIPULATION OF PRO TANTO DISMISSAL

Comes now the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record, and pursuant to *Alabama Rules of Civil Procedure* Rule 41 (a)(1) hereby stipulates to the voluntary dismissal, *pro tanto*, of LG Electronics USA, Inc., as a party Defendant in this matter.

As grounds therefore, Plaintiff states as follows:

1. That after filing the filing of the complaint Plaintiff discovered that LG Chem Ltd. is the correct party Defendant and that LG Electronics USA, Inc., was not the correct party Defendant.
2. Plaintiff has amended his complaint to reflect the correct name as being LG Chem Limited.
3. That all other claims and counts shall remain pending against the remaining Defendants.

WHEREFORE, PREMISES CONSIDERED, Plaintiff hereby stipulates to the *pro tanto* dismissal of any claims against the entity previously identified as LG Electronics USA, Inc.

Done this the 7th day of December, 2016.

/s/Jonathan L. Brogdon

JONATHAN L. BROGDON (BRO211)

OF COUNSEL:

CHURCH BROGDON, PC

2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens

JOEY STEVENS (STE138)

OF COUNSEL:

The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was FILED on 12/7/2016 4:50:59 PM

C001 GARDNER CLAYTON
STIPULATION OF PRO TANTO DISMISSAL
[Filer: BROGDON JONATHAN LYN]

Notice Date: 12/7/2016 4:50:59 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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Judge: JULIAN M KING

To: VAPOR'S SOURCE (PRO SE)
7268 GADSDEN HIGHWAY
SUITE 104
TRUSSVILLE, AL, 35173-0000

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Judge: JULIAN M KING

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joeystevens01@gmail.com

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7268 GADSDEN HIGHWAY
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To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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joeystevens01@gmail.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

*

*

PLAINTIFF,

*

*

VS.

*

*

CIVIL ACTION NUMBER:

CV 2016-900361

LG CHEM, LTD., VAPOR'S SOURCE,
 CC'S TOBACCO and PACKAGE,
 et al.,

*

*

*

*

DEFENDANTS.

*

ORDER

This matter coming on before the Court on the 8th day of December, 2016 based on the Plaintiff's Stipulation of Pro Tanto Dismissal of the Defendant, LG Electronics USA, Inc.; the Court having considered the filing; and upon consideration thereof, it is,

Therefore, **CONSIDERED** and **ORDERED** as follows:

1. The Plaintiff's claims against the Defendant, LG Electronics USA, Inc., are dismissed.
2. That this civil action shall remain pending against any and all other named defendants.
3. That a copy of this Order be forwarded to counsel of record for all parties and any self-represented litigants.

This the 8th day of December, 2016.

s/Julian M. King

JULIAN M. KING

PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 12/9/2016 9:12:47 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 12/9/2016 9:12:47 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joeystevens01@gmail.com

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Judge: JMK

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61-CV-2016-900361.00

Judge: JULIAN M KING

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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7268 GADSDEN HIGHWAY
SUITE 104
TRUSSVILLE, AL, 35173-0000

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State of Alabama
Unified Judicial System
Form C-34 Rev 6/88

**SUMMONS
- CIVIL -**

Case Number:
61-CV-2016-900361.00

**IN THE CIRCUIT COURT OF TALLADEGA COUNTY
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL**

NOTICE TO VAPOR'S SOURCE, 7268 GADSDEN HIGHWAY SUITE 104, TRUSSVILLE, AL 35173

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JONATHAN LYN BROGDON

WHOSE ADDRESS IS 2101 1st Avenue North, Pell City, AL 35125

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☒ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☐ Service by certified mail of this summons is initiated upon the written request of
pursuant to the Alabama Rules of the Civil Procedure

Date 10/31/2016 3:05:15 PM /s/ BRIAN YORK

Clerk/Register

P O BOX 6137

TALLADEGA, AL 35160

2017 JAN -9 PM 12:52
CIRCUIT CLERK

☐ Certified Mail is hereby requested

Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on

☒ I certify that I personally delivered a copy of the Summons and Complaint to Kyle Sanders

in

Jefferson

County, Alabama on

12/6/16

(Date)

Date

12/6/16
RS

Type of Server

Server's Signature

R. McLaughlin

Server's Printed Name

Address of Server

Phone Number of Server

61-CV-2016-900361.00

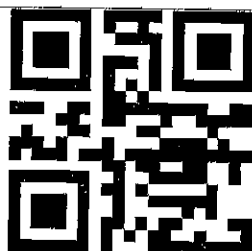
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

C001 - CLAYTON GARDNER

Plaintiff

v. D002 - VAPOR'S SOURCE

Defendant



SERVICE RETURN



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was served on 12/6/2016

D002 VAPOR'S SOURCE

Corresponding To
SERVED PERSONALLY

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was served on 12/6/2016

D002 VAPOR'S SOURCE

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TALLADEGA COUNTY, ALABAMA
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brian.york@alacourt.gov



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;	)	DEFENDANT DEMANDS TRIAL
CC'S TOBACCO and PACKAGE; et al.,	)	BY STRUCK JURY
)	
Defendants.)	

ANSWER

COMES NOW the defendant, designated by plaintiff as VAPER'S SOURCE, by and through the undersigned counsel of record in the above-styled cause of action, pursuant to the Alabama Rules of Civil Procedure and for answer to plaintiff's Complaint states as follows:

DEFENSES AND AFFIRMATIVE DEFENSES

Discovery and investigation may reveal that any one or more of the following defenses should be available to defendant in this matter. Defendant therefore asserts said defense in order to preserve its right to assert them. Upon completion of discovery, and if the facts warrant, defendant may withdraw any of these defenses as may be appropriate. Further, defendant reserves the right to amend this answer to assert additional defenses, cross claims, third-party claims and other claims and defenses as discovery proceeds. Further answering and by way of defense and affirmative defense, defendant states as follows:

RESPONSES TO INDIVIDUAL AVERMENTS

1. This defendant is unable to admit or deny the averments contained in paragraph 1 of plaintiff's Complaint.

2. This defendant is unable to admit or deny the averments contained in paragraph 2 of plaintiff's Complaint.

3. Admit.

4. This defendant is unable to admit or deny the averments contained in paragraph 4 of plaintiff's Complaint.

5. As no allegations are asserted, no response is necessary.

6. This defendant is unable to admit or deny the averments contained in paragraph 6 of plaintiff's Complaint.

7. Denied.

8. This defendant is unable to admit or deny the averments contained in paragraph 8 of plaintiff's Complaint.

9. This defendant is unable to admit or deny the averments contained in paragraph 9 of plaintiff's Complaint.

10. This defendant is unable to admit or deny the averments contained in paragraph 10 of plaintiff's Complaint.

11. This defendant is unable to admit or deny the averments contained in paragraph 11 of plaintiff's Complaint.

12. Defendant readmits and reavers responses to paragraphs 1 - 11 above.

13. Insofar as any allegations are asserted against this defendant, the same are denied and strict proof is demanded thereof.

14. Insofar as any allegations are asserted against this defendant, the same are denied and strict proof is demanded thereof.

15. Denied.

16. Defendant readmits and reavers responses to paragraphs 1 - 15 above.

17. Insofar as any allegations are asserted against this defendant, the same are denied and strict proof is demanded thereof.

18. Insofar as any allegations are asserted against this defendant, the same are denied and strict proof is demanded thereof.

19. Denied.

20. Defendant readmits and reavers responses to paragraphs 1 - 19 above.

21. Insofar as any allegations are asserted against this defendant, the same are denied and strict proof is demanded thereof.

22. Insofar as any allegations are asserted against this defendant, the same are denied and strict proof is demanded thereof.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The plaintiff's Complaint, or some of the claims asserted therein, fails to state a claim against this defendant upon which relief can be granted.

SECOND DEFENSE

This Defendant avers that it is not guilty of the matters and things alleged in Plaintiff's Complaint and demands strict proof thereof.

THIRD DEFENSE

This Defendant says the Plaintiff was guilty of negligence on said occasion and said negligence proximately contributed to cause his alleged injuries and damages.

FOURTH DEFENSE

For that on the occasion complained of Plaintiff assumed the risk of his injuries with

knowledge of the dangers involved in the act that he was performing at the time of the said injuries.

FIFTH DEFENSE

Said Defendant pleads the statute of limitations.

SIXTH DEFENSE

For that there is no causal connection or relationship between any alleged negligence or defect on the part of the Defendant and Plaintiff's injuries or damages.

SEVENTH DEFENSE

Defendant pleads the affirmative defense of implied contractual indemnity.

EIGHTH DEFENSE

This defendant avers that the accident complained of was the result of an "efficient intervening cause" and not proximately caused by any alleged negligence on the part of this defendant.

NINTH DEFENSE

Plaintiff's failure to warn claims are subsumed by his AEMLD claims.

TENTH DEFENSE

There is a lack of causal connection between any action or inaction by Defendant and Plaintiff's injuries, if any.

ELEVENTH DEFENSE

Defendant received the product in question in a defective condition.

TWELFTH DEFENSE

Defendant did not contribute to the alleged defective condition of the product.

THIRTEENTH DEFENSE

Defendant had neither knowledge of the alleged defective condition at issue nor an

opportunity to inspect the product that was superior to the knowledge or opportunity of Plaintiff.

FOURTEENTH DEFENSE

There is no evidence Defendant placed an unreasonably dangerous product into the stream of commerce.

FIFTEENTH DEFENSE

Defendant acted as a reasonably prudent distributor in a similar situation.

SIXTEENTH DEFENSE

This defendant avers that if it actually sold and/or distributed the product as alleged, it is immune from any liability by virtue of Ala. Code §6-5-521.

SEVENTEENTH DEFENSE

There is a lack of privity between Plaintiff and Defendant.

EIGHTEENTH DEFENSE

Plaintiff did not give proper notice to Defendant as required by Alabama Code § 7-2-607(3).

NINETEENTH DEFENSE

Plaintiff is not entitled to punitive damages because Defendant did not know and had no way of knowing about any alleged product defect.

TWENTIETH DEFENSE

Plaintiff has an adequate remedy available at law and it is therefore not entitled to any equitable remedies, including recovery under a theory involving constructive trust or unjust enrichment.

TWENTY-FIRST DEFENSE

The Plaintiff's Complaint, and each count thereof, to the extent that it seeks exemplary or punitive damages, violates this Defendant's right to procedural due process under the Fourteenth

Amendment of the Constitution of the United States and under the Constitution of the State of Alabama, and therefore fails to state a cause of action under which either punitive or exemplary damages can be awarded.

TWENTY-SECOND DEFENSE

The Plaintiff's Complaint, and each count thereof, to the extent that it seeks punitive or exemplary damages, violates this Defendant's right to protection from "excessive fines" as provided in the Eighth Amendment of the Constitution of the United States and Article I, Section 15 of the Constitution of the State of Alabama, and violates this defendant's right to substantive due process as provided in the Fifth Amendment and Fourteenth Amendment of the United States Constitution and as provided in the Constitution of the State of Alabama, and therefore fails to state a cause of action supporting the punitive or exemplary damages claimed.

TWENTY-THIRD DEFENSE

Defendant avers that the Complaint fails to state a claim upon which punitive damages may be awarded to the Plaintiff.

TWENTY-FOURTH DEFENSE

Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the constitutional safeguards provided to the Defendant under the Constitution of the State of Alabama.

TWENTY-FIFTH DEFENSE

Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the constitutional safeguards provided to Defendant under the Constitution of the United States of America.

TWENTY-SIXTH DEFENSE

Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the constitutional safeguards provided to Defendant under the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States of America in that punitive damages are vague and are not rationally related to the legitimate government interests.

TWENTY-SEVENTH DEFENSE

Defendant avers that any award of punitive damages to the Plaintiff in this cause will be violative of Article I, Section 6 of the Constitution of the State of Alabama which provides that no person all be deprived of life, liberty, or property except by due process of law, in that punitive damages are vague and are not rationally related to legitimate government interests.

TWENTY-EIGHTH DEFENSE

Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the procedural safeguards provided to Defendant under the Sixth Amendment to the Constitution of the United States in that punitive damages are penal in nature and consequently Defendant is entitled to the same procedural safeguards accorded to criminal defendants.

TWENTY-NINTH DEFENSE

It is violative of the self-incrimination clause of the Fifth Amendment to the Constitution of the United States of America to impose against this Defendant punitive damages, which are penal in nature, yet compel Defendant to disclose potentially incriminating documents and evidence.

THIRTIETH DEFENSE

It is violative of the self-incrimination clause of Article I, Section 6 of the Constitution of the State of Alabama to impose against this defendant punitive damages, which are penal in nature, yet compel Defendant to disclose potentially incriminating documents and evidence.

THIRTY-FIRST DEFENSE

It is violative of the rights guaranteed by the Constitution of the United States of America and the Constitution of the State of Alabama to impose punitive damages against this Defendant which are penal in nature.

THIRTY-SECOND DEFENSE

Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the Eighth Amendment of the Constitution of the United States in that said damages would be an excessive fine in violation of the Excessive Fines Clause of the Eight Amendment to the United States Constitution.

THIRTY-THIRD DEFENSE

Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States in that it would provide to the Plaintiff in excess of the amount determined to be appropriate under the formula adopted by the Alabama Legislature in 1981 in §27-1-17, Code of Alabama 1975, as amended.

THIRTY-FOURTH DEFENSE

Defendant avers that any punitive damages award would be subject to the limitations and restrictions as set forth in Ala. Code §6-11-21 (1975).

THIRTY-FIFTH DEFENSE

The Defendant says that the alleged defective product was misused after it left the control of the Defendant.

THIRTY-SIXTH DEFENSE

Defendant contests the damages complained of by plaintiff.

THIRTY-SEVENTH DEFENSE

Said Defendant reserves the right to amend its Answer until all discovery has been completed.

TRIAL BY STRUCK JURY IS HEREBY DEMANDED

Respectfully submitted,

s/A. Joe Peddy
A. Joe Peddy
SMITH, SPIRES, PEDDY,
HAMILTON & COLEMAN, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203
Telephone: (205) 251-5885
Fax: (205) 251-8642
PED002
ajp@ssp-law.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system which will send notification of such filing to the following e-mail addresses on this the 11th day of January, 2017.

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/A. Joe Peddy
Of Counsel



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following answer was FILED on 1/11/2017 3:30:19 PM

Notice Date: 1/11/2017 3:30:19 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: VAPOR'S SOURCE (PRO SE)
7268 GADSDEN HIGHWAY
SUITE 104
TRUSSVILLE, AL, 35173-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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AlaFile E-Notice

61-CV-2016-900361.00

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

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AlaFile E-Notice

61-CV-2016-900361.00

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

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brian.york@alacourt.gov

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

NOTICE OF APPEARANCE

COMES NOW the undersigned, Clarence Rivers, IV, of the law firm of Smith, Spires, Peddy, Hamilton & Coleman, P.C., and hereby gives notice of his appearance as additional counsel of record for the Defendant, Vapor's Source.

Respectfully submitted,

/s/Clarence Rivers, IV
 Clarence Rivers, IV (RIV010)

/s/A. Joe Peddy
 A. Joe Peddy (PED002)
 Smith, Spires, Peddy, Hamilton & Coleman, P.C.
 2015 Second Avenue North, Suite 200
 Birmingham, Alabama 35203
 Telephone: (205) 251-5885
ajp@ssp-law.com
chip@ssp-law.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system, which will send notification of such filing to the following e-mail addresses on this the 24th day of January, 2017:

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/Clarence Rivers, IV
Of Counsel



AlaFile E-Notice

61-CV-2016-900361.00

To: CLARENCE RIVERS IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following NOTICE OF APPEARANCE was FILED on 1/24/2017 2:30:15 PM

Notice Date: 1/24/2017 2:30:15 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

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joestevens01@gmail.com

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To: PEDDY ALBRY JOE
ajp@ssp-law.com

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256-761-2102
brian.york@alacourt.gov



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
 CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
 CV 16-900361**

NOTICE OF SERVICE OF DOCUMENTS

TO: Circuit Court Clerk of Talladega County, AL

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of the Defendant:

- ☐ Interrogatories
- ☐ Answers to Interrogatories
- ☐ Request for Production of Documents
- ☐ Responses to Request for Production of Documents
- ☐ Request for Admissions
- ☐ Response to Request for Admissions
- ☒ **Notice of Taking Deposition of Plaintiff**
- ☐ Other:

Respectfully submitted,

s/ A. JOE PEDDY
 A. JOE PEDDY (PED002)
 SMITH, SPIRES & PEDDY, P.C.
 Suite 200
 2015 Second Avenue North
 Birmingham, Alabama 35203
 Telephone: (205) 251-5885
 Fax: (205) 251-8642
ajp@ssp-law.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system which will send notification of such filing to the following e-mail addresses on this the 13th day of February, 2017.

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

NOTICE OF TAKING DEPOSITION

TO: Jonathan L. Brogdon
 Church Brogdon
 2101 1st Avenue North
 Pell City, AL 35125

Joey Stevens
 The Law Office of Joey Stevens
 2101 1st Avenue North
 Pell City, AL 35125

PLEASE TAKE NOTICE that at the time, date and place indicated below the Defendant will take the testimony by deposition upon oral examination of that party named. This oral examination will be conducted pursuant to Rules 26-37, inclusive, of the Alabama Rules of Civil Procedure for the purpose of discovery or for use as evidence in this action or both purposes and shall be taken before a Notary Public, or before some other officer authorized by law to administer oaths under the laws of the State of Alabama. This said examination will continue from time to time until completed. You are invited to attend and cross-examine.

DATE: To Be Determined

TIME: To Be Determined

DEPONENT: CLAYTON GARDNER

PLACE OF TAKING DEPOSITION: Smith, Spires & Peddy, P. C.
 2015 Second Avenue North
 Suite 200
 Birmingham, AL 35203

The deponent is asked to bring with him for inspection and/or copying the documents listed below:

1. Copies of any and all medical bills or records, hospital bills or records, emergency rescue agencies, prescription medication records, or any other healthcare provider pertaining to the injuries allegedly sustained which made the basis of this lawsuit;
2. Copies of any and all letters, notes, memoranda, etc., to Defendant from you and/or any other person acting on your behalf;
3. Copies of any and all photographs and/or video recordings taken at the scene of the incident, copies of any and all statements, whether written, recorded, or otherwise, of any and all witnesses;
4. Copies of any photographs and/or video recordings depicting the Plaintiff's alleged injuries;
5. Copies of any photographs and/or video recordings of the scene where the alleged accident occurred;
6. Copies of any and all documents which Plaintiff intends to use at trial; and
7. Copies of any and all records from any agency regarding any specific investigation regarding the incident made the basis of Plaintiff's Complaint.

Respectfully submitted,

/s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

SMITH, SPIRES & PEDDY, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203
(205) 251-5885
(205) 251-8642 (fax)
ajp@ssp-law.com

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Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/ A. JOE PEDDY
OF COUNSEL



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following discovery was FILED on 2/13/2017 1:56:30 PM

Notice Date: 2/13/2017 1:56:30 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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jonathan@churchbrogdon.com

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To: RIVERS CLARENCE IV
Chip@ssp-law.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
 CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
 CV 16-900361**

NOTICE OF SERVICE OF DOCUMENTS

TO: Circuit Court Clerk of Talladega County, AL

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of the Defendant:

- () Interrogatories
- () Answers to Interrogatories
- () Request for Production of Documents
- () Responses to Request for Production of Documents
- () Request for Admissions
- () Response to Request for Admissions
- () Notice of Taking Deposition
- (X) **Other: Notice of Intent to Serve Subpoenas on Non-Parties.**

Respectfully submitted,

s/ A. JOE PEDDY
 A. JOE PEDDY (PED002)
 SMITH, SPIRES & PEDDY, P.C.
 Suite 200
 2015 Second Avenue North
 Birmingham, Alabama 35203
 Telephone: (205) 251-5885
 Fax: (205) 251-8642
ajp@ssp-law.com

CERTIFICATE OF SERVICE

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Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

NOTICE OF INTENT TO SERVE SUBPOENAS ON A NON-PARTIES

Take notice that upon the expiration of fifteen (15) days (or such other time as the Court has allowed) from the date of service of this notice the Defendant in this cause will apply to the Clerk of this Court for issuance of the attached subpoenas directed to the below who are not a party to this matter:

**Custodian of Records
Citizens Baptist Medical Center - Talladega
604 Stone Avenue
Talladega, AL 35160**

**Custodian of Records
Blue Cross and Blue Shield of Alabama
450 Riverchase Parkway East
Birmingham, AL 35244**

**Custodian of Records
Northside Medical Associates
70 Plaza Drive
Pell City, AL 35125**

Respectfully submitted,

s/ A. JOE PEDDY
A. JOE PEDDY (PED002)
SMITH, SPIRES & PEDDY, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203

Telephone: (205) 251-5885

Fax: (205) 251-8642

ajp@ssp-law.com

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Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Custodian of Records
Blue Cross and Blue Shield of Alabama
450 Riverchase Parkway East
Birmingham, AL 35244

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, date of injury: 07/03/2016. This should include, but not be limited to, any and all records regarding medical lien and/or subrogation interest, insurance policies, claims made, recorded or written statements, accident and/or incident reports, photographs, proof of loss, any and all records of medical/pharmaceutical payments made by Blue Cross and Blue Shield of AL, on behalf of Mr. Gardner, and all other written information.

THIS SUBPOENA IS ONGOING FOR A PERIOD THROUGH THE END AND COMPLETION OF THIS LITIGATION.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **A. Joe Peddy, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885**. Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)
Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Custodian of Records
Citizens Baptist Medical Center - Talladega
604 Stone Avenue
Talladega, AL 35160

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all records, charts, admission and discharge summaries, nurses' notes, doctors' orders, x-ray reports, lab reports, data, results and reports of toxicological and/or chemical testing, etc., which pertain to the treatment and/or diagnosis, etc., of Mr. Gardner including all invoices for services rendered; claims filed to insurance provider(s); statement(s) showing amount paid by insurance provider(s), amount paid by Mr. Gardner or any representative of Mr. Gardner and, any and all outstanding balances.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **A. Joe Peddy, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885**. Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Custodian of Records
Northside Medical Associates
70 Plaza Drive
Pell City, AL 35125

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all records, charts, admission and discharge summaries, nurses' notes, doctors' orders, x-ray reports, lab reports, data, results and reports of toxicological and/or chemical testing, etc., which pertain to the treatment and/or diagnosis, etc., of Mr. Gardner including all invoices for services rendered; claims filed to insurance provider(s); statement(s) showing amount paid by insurance provider(s), amount paid by Mr. Gardner or any representative of Mr. Gardner and, any and all outstanding balances.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **A. Joe Peddy, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885**. Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

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(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

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the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following discovery was FILED on 2/13/2017 1:58:12 PM

Notice Date: 2/13/2017 1:58:12 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

NOTICE OF ELECTRONIC FILING

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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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61-CV-2016-900361.00

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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: STEVENS JOSEPH DWAYNE
joeystevens01@gmail.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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61-CV-2016-900361.00

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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: RIVERS CLARENCE IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

**STATE OF ALABAMA**

Revised 3/5/08

Cas

Unified Judicial System

61-TALLADEGA

☐ District Court ☒ Circuit Court

CV21

CIVIL MOTION COVER SHEETCLAYTON GARDNER V. LG ELECTRONICS, INC.
ET AL

Name of Filing Party: D002 - VAPOR'S SOURCE

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

ALBRY JOE PEDDY MR.

2015 SECOND AVENUE NORTH, SUITE 200

BIRMINGHAM, AL 35203

Attorney Bar No.: PED002

☐ Oral Arguments Requested**TYPE OF MOTION****Motions Requiring Fee**

- ☐ Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment pursuant to Rule 56 (\$50.00)
- ☐ Motion to Intervene (\$297.00)
- ☒ Other
pursuant to Rule (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

☐ Local Court Costs \$ 0

Motions Not Requiring Fee

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during Trial)
- ☐ Disburse Funds
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Pendente Lite
- ☐ Plaintiff's Motion to Dismiss
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Vacate or Modify
- ☐ Withdraw
- ☒ Other Motion for HIPAA Order
pursuant to Rule n/a (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:
2/13/2017 1:59:06 PM

Signature of Attorney or Party
/s/ ALBRY JOE PEDDY MR.

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.


IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;	)	ORAL ARGUMENT
CC'S TOBACCO and PACKAGE; et al.,	)	NOT REQUESTED
)	
Defendants.)	

MOTION FOR ENTRY OF HIPAA ORDER

COMES NOW the Defendant, VAPER'S SOURCE, by and through their undersigned counsel of record, and respectfully requests that this Honorable Court issue an Order requiring all health care providers, health plan administrators and other individuals who may be in possession of health information that is protected by the privacy regulations issued pursuant to the *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*, to produce said information. As grounds for said motion, Defendant states as follows:

1. That recent privacy regulations issued pursuant to HIPAA have set many new requirements in place which must be met before certain custodians of health information can disclose said information.
2. That, due to the new requirements, subpoenas and subpoenas duces tecums now issued in litigation matters are being met with resistance and/or delay.
3. That the new privacy regulations issued pursuant to HIPAA have caused a great deal of confusion and uncertainty as to what can and cannot be produced in response to a subpoena request.
4. That the issuance of the Order (attached hereto as Exhibit "A") will have the effect

of minimizing any uncertainty and confusion, and allow litigation to proceed without unnecessary delay.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Honorable Court for Entry of a HIPAA Order for the grounds stated above.

Respectfully submitted,

s/A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

SMITH, SPIRES & PEDDY, P.C.

2015 Second Avenue North, Suite 200

Birmingham, Alabama 35203

Telephone: (205) 251-5885

Facsimile: (205) 251-8642

E-mail: ajp@ssp-law.com

ORAL ARGUMENT NOT REQUESTED

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system which will send notification of such filing to the following e-mail addresses on this the 13th day of February, 2017.

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/A. JOE PEDDY

OF COUNSEL

EXHIBIT A

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA**CLAYTON GARDNER,****Plaintiff,****vs.****LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,****Defendants.****CIVIL ACTION NO.:
CV 16-900361****HIPAA ORDER IN CIVIL ACTION**

Upon compliance with Alabama law, the attorneys for the parties and/or *pro se* parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE AND ORDERED this the _____ day of _____, 2017.

Judge



**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON

Plaintiff,

V.

LG ELECTRONICS, INC.,

VAPOR'S SOURCE,

CC'S TOBACCO & PACKAGE,

Defendants.

Case No.: CV-2016-900361.00

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

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Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected

Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]

CIRCUIT JUDGE

PROPOSED ORDER



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was FILED on 2/13/2017 2:02:00 PM

D002 VAPOR'S SOURCE
MOTION FOR HIPAA ORDER
[Filer: PEDDY ALBRY JOE]

Notice Date: 2/13/2017 2:02:00 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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D002 VAPOR'S SOURCE
MOTION FOR HIPAA ORDER
[Filer: PEDDY ALBRY JOE]

Notice Date: 2/13/2017 2:02:00 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

NOTICE OF ELECTRONIC FILING

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MOTION FOR HIPAA ORDER
[Filer: PEDDY ALBRY JOE]

Notice Date: 2/13/2017 2:02:00 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was FILED on 2/13/2017 2:02:00 PM

D002 VAPOR'S SOURCE
MOTION FOR HIPAA ORDER
[Filer: PEDDY ALBRY JOE]

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Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

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Judge: JULIAN M KING

To: RIVERS CLARENCE IV
Chip@ssp-law.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

NOTICE OF SERVICE OF DOCUMENTS

TO: Brian York, Clerk of Circuit Court of Talladega County

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of Defendant, Vaper's Source

- (X) Interrogatories to Plaintiff, Clayton Gardner; and**
- (X) Requests for Production of Documents to Clayton Gardner.**

Respectfully submitted,

/s/Clarence Rivers, IV
Clarence Rivers, IV (RIV010)

/s/A. Joe Peddy
A. Joe Peddy (PED002)
Smith, Spires, Peddy, Hamilton & Coleman, P.C.
2015 Second Avenue North, Suite 200
Birmingham, Alabama 35203
Telephone: (205) 251-5885
ajp@ssp-law.com
chip@ssp-law.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system, which will send notification of such filing to the following e-mail addresses on this the 13th day of February, 2017:

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/Clarence Rivers, IV
Of Counsel

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA**CLAYTON GARDNER,****Plaintiff,****vs.****LG CHEM, LTD; VAPOR'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,****Defendants.****CIVIL ACTION NO.:
CV 16-900361****INTERROGATORIES TO PLAINTIFF, CLAYTON GARDNER**

COMES NOW the Defendant, Vapor's Source, designated by the Plaintiff as Vapor's Source, by and through the undersigned counsel of record in the above-styled cause of action, pursuant to the Alabama Rules of Civil Procedure, and desiring the testimony of the Plaintiff, **CLAYTON GARDNER**, hereby propounds the following Interrogatories to said Plaintiff, to be answered within the time and manner prescribed by law:

1. State your correct name, address, date of birth and Social Security Number.
2. State the name and address of your present employer, job description and average weekly wages at this job.
3. Please state the name and address of your employer at the time of the occurrence made the basis of this suit.
4. State whether you make any claim in this suit for lost wages or income and, if so, state the amount of lost wages or income you claim; the dates that you were not able to work as a result of the injuries you alleged in the Complaint.
5. Describe all injuries received by you for which you make claim in this suit.

6. State whether you contend that any of your injuries are permanent in nature and, if so, describe each injury you claim is permanent in nature and state what complaints of pain you presently have as a result of each such respective injury.

7. State the name and address of all doctors who have attended or treated you for injuries received in the occurrence made the basis of this suit; dates of treatment or examination; where treatment was given you on each occasion and whether you are under the treatment of a doctor at the present time.

8. State whether you were hospitalized as a result of the occurrence made the basis of this suit and, if so, state the name and address of each hospital, the amount of the hospital bill and the dates of hospitalization.

9. Please identify each and every medical provider (which said term shall include all pharmacies, therapists, psychologists, and/or psychiatrists) you have visited in the ten (10) years before the date of the incident and list their address and dates of service for each provider.

10. State whether you claim any other expenses incurred by you as a result of the occurrence made the basis of this suit and, if so, the names and addresses of the person or company to whom this expense was incurred, the amount of such expense and whether such expense has been paid and, if so, by whom.

11. Prior to the incident made the basis of this suit, state whether you had ever been injured in any manner and state the date of injury, the injury you received (in detail), the names and addresses of all doctors and hospitals which treated you for each such injury and the dates of such treatments.

12. State whether, subsequent to the occurrence made the basis of this suit, you have ever been injured in any manner and, if so, the date of injury, in detail the injury that you received and the names and addresses of all doctors and hospitals which treated you for each such injury and the dates of such treatments.

13. If you complain that the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** was unreasonably dangerous, describe completely and in exact detail all defects, either in design or manufacture, which you claim made such product defective.

14. List specifically and in exact detail all defects which the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** had at the time it left the hands of the Defendant and upon which you claim forms a basis for your suit against the Defendant.

15. List specifically and in exact detail all safety features, equipment or devices which you contend should have existed with respect to **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device**.

16. Describe completely and in exact detail what you contend was the cause of the accident made the basis of this suit. Please provide your response in specific narrative form.

17. State completely and in exact detail all items of information or evidence upon which you rely to state that the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** was improperly designed.

18. State whether you contend the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** malfunctioned or whether you contend

Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device was improperly designed. In responding, explain completely and in exact detail how you contend the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** malfunctioned and/or how you contend it was improperly designed.

19. Give the names and addresses of all individuals that have knowledge of the matters and things alleged in the Complaint.

20. Explain completely and in exact detail what you claim this Defendant did wrong in the manufacture, sale or distribution of the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** and

21. Give the name and address of all witnesses you plan to call in the trial of the case to prove or show what this Defendant did wrong in the manufacture, sale, or distribution of **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device**.

22. Describe completely and in exact detail what other manufacturers of similar products did or failed to do which this Defendant did or failed to do contrary to the standard of care in the manufacturing industry for the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device**.

23. Prior to the accident, did you discover such defect or defects mentioned above in the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device**. If so, state the approximate time prior to the accident that you became aware of such defect or defects.

24. Do you claim that the defect was one which was hidden from you or was latent and not reasonably discoverable upon a reasonable inspection?

25. Give a complete list of any documents, publications, writings, pamphlets, other literature or other exhibits upon which you rely to support your claims against this Defendant.

26. State the name and address of all persons who have examined or inspected in any way the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** involved in the accident made the basis of this suit since the date of the accident.

27. List all expenses which you have incurred as a result of the accident made the basis of this suit and for which you claim reimbursement and attach hereto a copy of all bills covering such expense.

28. State whether or not any part of your medical bills have been paid for by any person, firm or corporation other than yourself and if so, state the name and address of each person, firm or corporation who has paid for medical bills or expenses and the amount of each bill.

29. Have you signed any paper or document obligating you to reimburse any insurance company or any other person, firm or corporation for medical expenses if you recover in this action and, if so, state the name of the insurance company or governmental agency and the amount you are to reimburse.

30. List specifically and in exact detail all safety features, equipment or devices with which you contend the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** should have been equipped.

31. Describe completely and in exact detail exactly how the accident made the basis of this suit occurred, what you were doing at the time of the accident, exactly how you were injured and what you contend was the cause of the accident.

32. Do you claim that any changes or alterations were made to the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** subsequent to the time it left the hands of the manufacturer? If so, explain completely and in exact detail what changes or alterations were needed to the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device**, when such changes and/or alterations were made, and how any such changes or alterations may have directly contributed to cause the accident made the basis of this suit.

33. Do you contend that your injuries would have been eliminated or reduced by use of an alternative design of any component part of the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device**? If so, please state specifically your alternative design, how such design is safer than the existing design, how such design is practical, and specifically when such alternative design was available for use by this Defendant at the time that it manufactured the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** made the basis of this suit.

34. State whether you expect to call any expert witnesses at the trial of this case, if so, state the name and address of each such expert, the education experience and qualifications of each such expert, the subject matter upon each expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each such opinion. Please consider this a request for expert information under ARCP 26, et al.

35. Please state the name and address of the individual who purchased the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** that are the subject of this action, the dates of purchase, the identity of the entity/individual from whom

purchased, and the purchase amount.

36. Did you ever make a complaint to any defendant regarding the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** prior to the filing of this lawsuit? If so, please state the date of said complaint, where the complaint was made, to whom you complained, the nature of said complaint, and the ultimate resolution of same, and produce a copy of all such correspondence, documents, letters, memoranda, etc. which document these alleged complaints.

37. Please give the name, address, telephone number, and job title of all users of the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** since the date of its purchase until the time of the subject accident.

38. State the name and address of each pharmacy you have used in the last 10 years.

39. Are you currently receiving or have you ever received Medicare benefits, whether Supplemental Security Income (SSI) benefits or Social Security Disability (SSD) benefits? If so, please state the following:

- a. The date you were awarded Medicare benefits and the type of benefits awarded;
- b. The medical condition(s) for which you were awarded benefits (if any);
- c. The dollar amount of your benefits;
- d. Your Medicare Health Insurance Claim Number (HICN);
- e. Whether your benefits have ever been modified, suspended, revoked or cancelled and the reasons for the same.

Respectfully submitted,

/s/Clarence Rivers, IV

Clarence Rivers, IV (RIV010)

/s/A. Joe Peddy

A. Joe Peddy (PED002)

Smith, Spires, Peddy, Hamilton & Coleman, P.C.

2015 Second Avenue North, Suite 200

Birmingham, Alabama 35203

Telephone: (205) 251-5885

ajp@ssp-law.com

chip@ssp-law.com

CERTIFICATE OF SERVICE

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Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/Clarence Rivers, IV

Of Counsel

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPOR'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

**REQUESTS FOR PRODUCTION OF DOCUMENTS
TO PLAINTIFF, CLAYTON GARDNER**

COMES NOW the Defendant, Vapor's Source, designated by Plaintiff as Vapor's Source, by and through the undersigned counsel of record in the above-styled cause of action, pursuant to the Alabama Rules of Civil Procedure, and hereby requests the Plaintiff produce to said Defendant for copying and inspection the following documents and/or things within the time and manner prescribed by law:

1. Copies of any and all documents related to the alleged purchase of the products, including, but not limited to: receipt(s), bank statement(s), cancelled check(s), and/or credit card statement(s).
2. True and correct copies of your State and Federal income tax returns for the last 5 years.
3. True and correct copies of all photographs, images, video or any like electronic recording of the subject products made the basis of your Complaint as well as your claimed injuries.

4. Please produce for inspection the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device.**

5. Originals or copies of the alleged product packaging materials, manuals, warning labels, warning stickers, and/or product brochures received at the time of purchase.

6. Produce any and all medical records for care and treatment that you have received as a result of the incident made the basis of this lawsuit.

7. Produce copies of any and all medical bills for care and treatment that you claim to have incurred as a result of the alleged incident.

8. All documents, reports, standards, regulations, rules, correspondence, or other matters on which Plaintiff or Plaintiffs expert(s) rely to support any of the claims as outlined in Plaintiff's Complaint.

9. True and correct copies of all documents, including correspondence, by and between the Plaintiff/Plaintiffs attorney and all entities which paid, in whole or in part, the Plaintiffs medical bills, including the Centers for Medicare and Medicaid Services, if applicable. In the event that Medicare and/or Medicaid paid for any of Plaintiff's medical care and treatment allegedly related to the subject incident, please produce copies of all correspondence, notices, liens, or any other such document by and between Plaintiff and CMS, or on behalf of either, indicating the amount of conditional payments made, a calculation of same, and the amount claimed to be necessary to reimburse CMS.

10. True and correct copies of all reports, photographs, diagrams, computer simulations, notes, calculations, or any other written thing or item prepared by and/or relied upon by any and all

experts which the Plaintiff intends to use at the trial of this case.

11. Provide all expert information as required by the Alabama Rules of Civil Procedure for any expert expected to testify at a trial of this case including, but not limited to, all reports, memoranda, opinions, etc. either generated or relied upon by said expert. Please consider this a request under Alabama Rules of Civil Procedure Rule 26, et al.

12. Any and all documents, recordings, video tapes, photographs, etc. of the defendant, their offices, or anything else related to plaintiff's Complaint.

13. All information received by way of investigations regarding the incident made the basis of plaintiff's Complaint, including any and all information received and/or generated by or from the State of Alabama, law enforcement department(s), or any other entity.

14. Produce an itemization of all special damages claimed in this matter by you.

15. Produce any and all medical records, doctor's letters, statements, and/or anything else which supports your contention that you have sustained a permanent medical injury as a result of the incident made the basis of your Complaint.

16. Produce a copy of any and all reports, letters, documents, and/or correspondence from any entity, whatsoever, concerning the incident made the basis of your Complaint, including any and all correspondence by and between plaintiff and any defendant or representative thereof.

17. All photographs depicting the scene of the accident, the **Vaporesso Tarot - 200w vape device and/or battery used in the Vaporesso Tarot - 200w vape device** involved in the accident, Plaintiff's injuries or other matters pertinent to this lawsuit.

Respectfully submitted,

/s/Clarence Rivers, IV

Clarence Rivers, IV (RIV010)

/s/A. Joe Peddy

A. Joe Peddy (PED002)

Smith, Spires, Peddy, Hamilton & Coleman, P.C.

2015 Second Avenue North, Suite 200

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Telephone: (205) 251-5885

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Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/Clarence Rivers, IV

Of Counsel



AlaFile E-Notice

61-CV-2016-900361.00

To: CLARENCE RIVERS IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following discovery was FILED on 2/13/2017 4:07:57 PM

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BRIAN YORK
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TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



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61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the

direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING
PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

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CIRCUIT COURT CLERK
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: RIVERS CLARENCE IV
Chip@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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ORDER TO APPEAR
(SUBPOENA)

Case
CV-

ELECTRONICALLY FILED
3/2/2017 8:33 AM
61-CV-2016-900361.00
CIRCUIT COURT OF
TALLADEGA COUNTY, ALABAMA
BRIAN YORK, CLERK

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

CITIZENS BMC TALLADEGA

604 STONE AVE
TALLADEGA, AL 35160

A. Issued at the request of :

- ☐ Plaintiff/State
- ☒ Defendant
- ☐ Grand Jury

B. Special Instructions you are ordered to :

- ☐ Appear at trial/hearing
- ☒ Produce records or documents see attached schedule(s)
- ☐ Appear at deposition
- ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 03/17/2017 10:00 AM
ROOM Smith, Spires & Peddy
ADDRESS 2015 Second Avenue North
Suite 200
Birmingham, AL 35203

DATE ISSUED 3/2/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)**(c) Protection of person subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Custodian of Records
Citizens Baptist Medical Center - Talladega
604 Stone Avenue
Talladega, AL 35160

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all records, charts, admission and discharge summaries, nurses' notes, doctors' orders, x-ray reports, lab reports, data, results and reports of toxicological and/or chemical testing, etc., which pertain to the treatment and/or diagnosis, etc., of Mr. Gardner including all invoices for services rendered; claims filed to insurance provider(s); statement(s) showing amount paid by insurance provider(s), amount paid by Mr. Gardner or any representative of Mr. Gardner and, any and all outstanding balances.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **A. Joe Peddy, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

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(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

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the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
 TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the

direction of the psychotherapist, including members of the patient's family.

Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING

PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 3/2/2017 8:34:05 AM

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TALLADEGA, AL, 35160

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604 STONE AVE
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C/O KYU M. YU
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To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

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To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

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☐ State of Alabama

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☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

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450 RIVERCHASE PARKWAY E
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vs.)	CIVIL ACTION NO.:
)	CV 16-900361
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LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Custodian of Records
Blue Cross and Blue Shield of Alabama
450 Riverchase Parkway East
Birmingham, AL 35244**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, date of injury: 07/03/2016. This should include, but not be limited to, any and all records regarding medical lien and/or subrogation interest, insurance policies, claims made, recorded or written statements, accident and/or incident reports, photographs, proof of loss, any and all records of medical/pharmaceutical payments made by Blue Cross and Blue Shield of AL, on behalf of Mr. Gardner, and all other written information.

THIS SUBPOENA IS ONGOING FOR A PERIOD THROUGH THE END AND COMPLETION OF THIS LITIGATION.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **A. Joe Peddy, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885**. Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)
Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the

direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING
PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 3/2/2017 8:36:39 AM

Notice Date: 3/2/2017 8:36:39 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: BLUE CROSS AND BLUE SHIELD OF AL
450 RIVERCHASE PARKWAY E
BIRMINGHAM, AL, 35244

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 3/2/2017 8:36:39 AM

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BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: RIVERS CLARENCE IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 3/2/2017 8:36:39 AM

Notice Date: 3/2/2017 8:36:39 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

ORDER TO APPEAR
(SUBPOENA)

Case
CV-

ELECTRONICALLY FILED
3/2/2017 8:38 AM
61-CV-2016-900361.00
CIRCUIT COURT OF
TALLADEGA COUNTY, ALABAMA
BRIAN YORK, CLERK

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

NORTHSIDE MEDICAL ASSOCIATES

70 PLAZA DRIVE
PELL CITY, AL 35125

A. Issued at the request of :

1. ☐ Plaintiff/State
2. ☒ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing
2. ☒ Produce records or documents see attached schedule(s)
3. ☐ Appear at deposition
4. ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 03/17/2017 11:00 AM
ROOM Smith, Spires & Peddy
ADDRESS 2015 Second Avenue North
Suite 200
Birmingham, AL 35203

DATE ISSUED 3/2/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested documents.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)**(c) Protection of person subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Custodian of Records
Northside Medical Associates
70 Plaza Drive
Pell City, AL 35125**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all records, charts, admission and discharge summaries, nurses' notes, doctors' orders, x-ray reports, lab reports, data, results and reports of toxicological and/or chemical testing, etc., which pertain to the treatment and/or diagnosis, etc., of Mr. Gardner including all invoices for services rendered; claims filed to insurance provider(s); statement(s) showing amount paid by insurance provider(s), amount paid by Mr. Gardner or any representative of Mr. Gardner and, any and all outstanding balances.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **A. Joe Peddy, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

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(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

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This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

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direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

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At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING
PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 3/2/2017 8:39:19 AM

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BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: NORTHSIDE MEDICAL ASSOCIATES
70 PLAZA DRIVE
PELL CITY, AL, 35125

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 3/2/2017 8:39:19 AM

Notice Date: 3/2/2017 8:39:19 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

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To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

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To: RIVERS CLARENCE IV
Chip@ssp-law.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPOR'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

Civil Action No.: CV 16-900361

NOTICE OF SERVICE

PLEASE TAKE NOTICE of Plaintiff's responses to Defendant, Vapor's Source's
Interrogatories and Request for Production of Documents on this the 9th day of March, 2017.

/s/Jonathan L. Brogdon
Jonathan L. Brogdon (BRO211)

OF COUNSEL:
CHURCH BROGDON PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

CERTIFICATE OF SERVICE

I hereby certify that on this the 9th day of March, 2017, I electronically filed the foregoing with the Clerk of Court using the Alafile system, which will send notification of such filing to all parties of record.

/s/Jonathan L. Brogdon
Of Counsel



AlaFile E-Notice

61-CV-2016-900361.00

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following discovery was FILED on 3/9/2017 8:14:52 AM

Notice Date: 3/9/2017 8:14:52 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
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ajp@ssp-law.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
 CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
 CV 16-900361**

NOTICE OF APPEARANCE

COMES NOW the undersigned, **HANNAH H. STOKES**, of the law firm of **SMITH, SPIRES, PEDDY, HAMILTON & COLEMAN, P.C.**, and hereby gives notice of her appearance as counsel of record for the defendant, Vaper's Source in the above-styled cause of action.

Respectfully submitted,

/s/ Hannah H. Stokes

Hannah H. Stokes (BAR ID: STO099)

Email: HStokes@ssp-law.com

Attorney for Defendant, Vaper Source

OF COUNSEL:

Smith, Spires, Peddy, Hamilton & Coleman, P.C.

2015 Second Avenue North - Suite 200

Birmingham, Alabama 35203

Telephone: (205) 251-5885

Facsimile: (205) 251-8642

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system, which will send notification of such filing to the following e-mail address on this the 15th day of March, 2017.

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/ Hannah H. Stokes
Of Counsel



AlaFile E-Notice

61-CV-2016-900361.00

To: HANNAH HOOKS STOKES
hstokes@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 6/07

ORDER TO APPEAR (SUBPOENA)

Case
CV-2

IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

CITIZENS BMC TALLADEGA

604 STONE AVE
TALLADEGA, AL 35160

A. Issued at the request of :

1. ☐ Plaintiff/State
2. ☒ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing
2. ☒ Produce records or documents see attached schedule(s)
3. ☐ Appear at deposition
4. ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 3/17/2017 10:00:00 AM
ROOM Smith, Spires & Peddy
ADDRESS 2015 Second Avenue North
Suite 200
Birmingham, AL 35203

DATE ISSUED 3/2/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

3/16/17
via cert. mail
KBleum

Signature and Title of Server



02CV2000000000000001

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Sheriff

Deputy Sheriff

SERVICE RETURN

State of Alabama Unified Judicial System Form C-13 (front) Rev. 6/07	ORDER TO APPEAR (SUBPOENA)	Case Number: CV-2016-900361.00
--	---------------------------------------	--

IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) *(Name of County or Municipality)*

☐ State of Alabama
☐ Municipality of _____
☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):
☐ In the Matter of _____, a child

BLUE CROSS AND BLUE SHIELD OF AL

450 RIVERCHASE PARKWAY E
BIRMINGHAM, AL 35244

A. Issued at the request of :

1. ☐ Plaintiff/State
2. ☒ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to :

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2. ☒ Produce records or documents see attached schedule(s)
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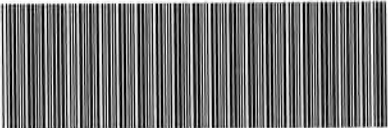
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Please see attached for requested documents. - -

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE	
I Certify that I personally Delivered a copy of this order to on _____ via <u>cert. mail</u> <u>3/16/17</u> <u>K. Belem</u> Signature and Title of Server	(For Criminal cases only) <input type="checkbox"/> Served By Mail Date Mailed _____ _____ Sheriff Deputy Sheriff



02CV2000000000D001

SERVICE RETURN

State of Alabama Unified Judicial System Form C-13 (front) Rev. 6/07	ORDER TO APPEAR (SUBPOENA)	Case Number: CV-2016-900361.00
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IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) *(Name of County or Municipality)*

☐ State of Alabama
☐ Municipality of _____
☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):
☐ In the Matter of _____, a child

NORTHSIDE MEDICAL ASSOCIATES

70 PLAZA DRIVE
PELL CITY, AL 35125

A. Issued at the request of :

1. ☐ Plaintiff/State
2. ☒ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to :

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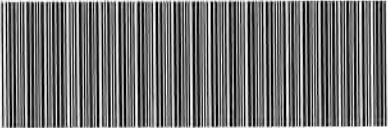
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<p>DATE <u>3/17/2017 11:00:00 AM</u></p> <p>ROOM <u>Smith, Spires & Peddy</u></p> <p>ADDRESS <u>2015 Second Avenue North</u> <u>Suite 200</u> <u>Birmingham, AL 35203</u></p> <p>DATE ISSUED <u>3/2/2017</u></p> <p><u>/s/ BRIAN YORK</u> Signature of Court Clerk Deputy Clerk Initials</p>	<p style="text-align: center;">ADDITIONAL INSTRUCTIONS</p> <p>Any inspection or production of documents or records must be completed within 15 days</p> <p>Please see attached for requested documents.</p>
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RETURN ON SERVICE	
<p>I Certify that I personally Delivered a copy of this order to _____ on <u>3-6-17</u> <u>Via cert. mail</u> <u>K. Blum</u> Signature and Title of Server</p>	<p><i>(For Criminal cases only)</i></p> <p><input type="checkbox"/> Served By Mail</p> <p>Date Mailed _____</p> <p style="text-align: center;">_____ Sheriff Deputy Sheriff</p>



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SERVICE RETURN



AlaFile E-Notice

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jonathan@churchbrogdon.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following RETURN ON SERVICE - SERVED was FILED on 3/16/2017 11:29:28
AM

Notice Date: 3/16/2017 11:29:28 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
 CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
 CV 16-900361**

NOTICE OF SERVICE OF DOCUMENTS

TO: Circuit Court Clerk of Talladega County, AL

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of the Defendant, Vaper's Source:

- (X) Defendant, Vaper's Source's, Special Interrogatories and Requests for Production of Documents to Plaintiff, Clayton Gardner**
- () Answers to Interrogatories
- () Request for Production of Documents
- () Responses to Request for Production of Documents
- () Request for Admissions
- () Response to Request for Admissions
- () Notice of Taking Deposition

Respectfully submitted,

/s/Clarence Rivers, IV

Clarence Rivers, IV (RIV010)

/s/A. Joe Peddy

A. Joe Peddy (PED002)

/s/Hannah H. Stokes

Hannah H. Stokes (STO099)

Smith, Spires, Peddy, Hamilton & Coleman, P.C.

2015 Second Avenue North, Suite 200

Birmingham, Alabama 35203

Telephone: (205) 251-5885

ajp@ssp-law.com

chip@ssp-law.com

hstokes@ssp-law.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system, which will send notification of such filing to the following e-mail addresses on this the 29th day of March, 2017:

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/Clarence Rivers, IV
Of Counsel

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA**CLAYTON GARDNER,****Plaintiff,****vs.****LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,****Defendants.****CIVIL ACTION NO.:
CV 16-900361****DEFENDANT, VAPER'S SOURCE'S, SPECIAL INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF**

COMES NOW the Defendant, Vaper's Source, by and through the undersigned counsel of record in the above-styled cause, pursuant to the Alabama Rules of Civil Procedure, and desiring the testimony of the Plaintiff, Clayton Gardner, propounds these Special Interrogatories and Requests for Production of Documents to the Plaintiff, Clayton Gardner, to be answered within the time and manner prescribed by law, as follows:

1. With the respect to each person you expect to call at trial as an expert witness, please state:
 - (a) the expert's name, his employer's name and business address, and the expert's residence address and telephone number;
 - (b) the subject on which each such expert is expected to testify;
 - (c) the substance of the facts and opinions to which each such expert is expected to testify;
 - (d) a summary of the grounds for each opinion; and
 - (e) the nature of the legal relationship existing between each expert witness and the Plaintiff.

2. If any of your expert witnesses have previously testified for you, whether at pretrial discovery depositions or trial, and with respect to each such expert and each such occasion, state:

- (a) his name;
- (b) the date of his testimony;
- (c) the style and action in which he testified;
- (d) the name and address of the court in which the action was pending at the time of his testimony; and
- (e) the name, address and telephone number of the attorney for the Plaintiff in each such action.

3. If any experts are retained by you for purposes of this litigation, please state:

- (a) the expert's name;
- (b) the basis on which he is compensated (if your expert is compensated on an hourly basis or some other unit of time basis, state the applicable rate); and
- (c) the amount of compensation and expenses that:
 - (i) you have paid your expert as of the date of your Answers to these Interrogatories;
 - (ii) the amount you have been billed by your expert as of the date of your Answers to these Interrogatories.

4. Please attach a true and correct copy of each and every letter, report, memorandum, or writing from each and every said expert witness you have consulted, retained and/or hired.

5. With respect to each person having knowledge of the incident made the basis of this Complaint, please state:

- (a) his name;
- (b) his employer's name, business address, and telephone number; and
- (c) his residential address and telephone number.

6. Do you rely upon statutes, codes, standards, regulations, rules, text, treatises or other written material and if so, list said documents and the appropriate section or page number upon which you rely?

7. Do you intend to use or rely upon any tape manuals, booklets, pamphlets or instructional materials of any type and if so, please identify said materials and its section or page number of said material upon which you intend to rely?

8. Please state the name and address of each individual known to you, who has seen, heard, or knows about the matters made the basis of this lawsuit, and please describe the substance, as best you can give it, of all information and/or knowledge known to each such individual and whether such individual has given a statement, either oral or in writing, and to whom such statement was given.

9. Please provide copies of all investigation reports, notes, memoranda, written statements or any other documentation in your possession concerning the investigation by any regulatory agency, including, but not limited to, any governmental agency, State of Alabama, federal government, or any corporation, organization, association or other entity involving the injuries allegedly sustained by the Plaintiff in the incident made the basis of this law.

10. State the names and addresses of all persons you expect to call as witnesses in a trial of this matter.

11. List all exhibits intended to be used by the Plaintiff in the trial of this matter, including, but not limited to, letters, correspondence, memoranda, notes, writings, contracts, tape recordings, records, diaries, calendars, reports, statements, invoices, receipts, checks, drafts,

warrants, proposals, closing statements, pamphlets, brochures, booklets, purchase orders, delivery orders, rules, regulations and books.

Please understand that this request is for all documentation which in anyway relate to the above designated topics, at anytime whatsoever, both before and after the alleged incident, and in no way should be construed as a limited request.

Respectfully submitted,

/s/Clarence Rivers, IV

Clarence Rivers, IV (RIV010)

/s/A. Joe Peddy

A. Joe Peddy (PED002)

Smith, Spires, Peddy, Hamilton & Coleman, P.C.

2015 Second Avenue North, Suite 200

Birmingham, Alabama 35203

Telephone: (205) 251-5885

ajp@ssp-law.com

chip@ssp-law.com

CERTIFICATE OF SERVICE

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Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/Clarence Rivers, IV

Of Counsel



AlaFile E-Notice

61-CV-2016-900361.00

To: CLARENCE RIVERS IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

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To: STEVENS JOSEPH DWAYNE
joeystevens01@gmail.com

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To: PEDDY ALBRY JOE
ajp@ssp-law.com

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To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

NOTICE OF SERVICE OF DOCUMENTS

TO: Circuit Court Clerk of Talladega County, AL

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of the Defendant:

- () Interrogatories
- () Answers to Interrogatories
- () Request for Production of Documents
- () Responses to Request for Production of Documents
- () Request for Admissions
- () Response to Request for Admissions
- () Notice of Taking Deposition
- (X) **Other: Notice of Intent to Serve Subpoenas on Non-Parties.**

Respectfully submitted,

s/ A. JOE PEDDY
A. JOE PEDDY (PED002)
SMITH, SPIRES & PEDDY, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203
Telephone: (205) 251-5885
Fax: (205) 251-8642
ajp@ssp-law.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system which will send notification of such filing to the following e-mail addresses on this the 29th day of March, 2017.

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

NOTICE OF INTENT TO SERVE SUBPOENAS ON A NON-PARTIES

Take notice that upon the expiration of fifteen (15) days (or such other time as the Court has allowed) from the date of service of this notice the Defendant in this cause will apply to the Clerk of this Court for issuance of the attached subpoenas directed to the below who are not a party to this matter:

**Custodian of Records
McSweeney Designs
7769 Gadsden Highway
Trussville, AL 35173**

Respectfully submitted,

s/ A. JOE PEDDY
A. JOE PEDDY (PED002)
SMITH, SPIRES, PEDDY, HAMILTON &
COLEMAN, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203
Telephone: (205) 251-5885
Fax: (205) 251-8642
ajp@ssp-law.com

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Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA**CLAYTON GARDNER,****Plaintiff,****vs.****LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,****Defendants.****CIVIL ACTION NO.:
CV 16-900361****SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45****TO: Custodian of Records
McSweeney Designs
7769 Gadsden Highway
Trussville, AL 35173**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to any and all employment records, notes, attendance records, leave of absences forms (for any reason), wage information, payroll records, W-2s, application, any and all reprimands, correspondence and evaluations.

The complete Workers Compensation file of CLAYTON GARDNER including but not limited to any and all medical records and any and all medical bills relating to Mr. Gardner.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires, Peddy, Hamilton & Coleman, P. C. 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take

reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires, Peddy, Hamilton & Coleman, P.C.
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

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To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

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P O BOX 6137
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AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

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To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

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To: RIVERS CLARENCE IV
Chip@ssp-law.com

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To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

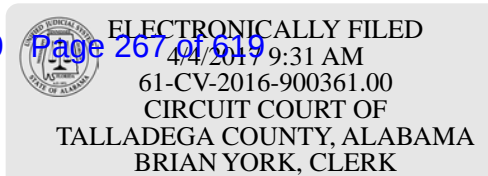
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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPOR'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

Civil Action No.: CV 16-900361

NOTICE OF SERVICE

PLEASE TAKE NOTICE of Plaintiff's responses to Defendant, Vapor's Source's Special Interrogatories and Request for Production of Documents on this the 4th day of April, 2017.

/s/Jonathan L. Brogdon
Jonathan L. Brogdon (BRO211)

OF COUNSEL:
CHURCH BROGDON PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of April, 2017, I electronically filed the foregoing with the Clerk of Court using the Alafile system, which will send notification of such filing to all parties of record.

/s/Jonathan L. Brogdon
Of Counsel



AlaFile E-Notice

61-CV-2016-900361.00

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
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The following discovery was FILED on 4/4/2017 9:32:26 AM

Notice Date: 4/4/2017 9:32:26 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
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C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following discovery was FILED on 4/4/2017 9:32:26 AM

Notice Date: 4/4/2017 9:32:26 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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joestevens01@gmail.com

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ajp@ssp-law.com

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ORDER TO APPEAR
(SUBPOENA)

Case
CV-

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

MCSWEENEY DESIGNS

7769 GADSDEN HWY
TRUSSVILLE, AL 35173

A. Issued at the request of :

- ☐ Plaintiff/State
- ☒ Defendant
- ☐ Grand Jury

B. Special Instructions you are ordered to :

- ☐ Appear at trial/hearing
- ☒ Produce records or documents see attached schedule(s)
- ☐ Appear at deposition
- ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 05/17/2017 10:00 AM
ROOM Smith, Spires & Peddy
ADDRESS 2015 Second Avenue North
Suite 200
Birmingham, AL 35203

DATE ISSUED 5/2/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)**(c) Protection of person subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.


IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
CLAYTON GARDNER,
Plaintiff,
vs.
**LG CHEM, LTD; VAPER'S SOURCE;
 CC'S TOBACCO and PACKAGE; et al.,**
Defendants.
**CIVIL ACTION NO.:
 CV 16-900361**
SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45
**TO: Custodian of Records
 McSweeney Designs
 7769 Gadsden Highway
 Trussville, AL 35173**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to any and all employment records, notes, attendance records, leave of absences forms (for any reason), wage information, payroll records, W-2s, application, any and all reprimands, correspondence and evaluations.

The complete Workers Compensation file of CLAYTON GARDNER including but not limited to any and all medical records and any and all medical bills relating to Mr. Gardner.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires, Peddy, Hamilton & Coleman, P. C. 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take

reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

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(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

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s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires, Peddy, Hamilton & Coleman, P.C.
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

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P O BOX 6137
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State of Alabama
Unified Judicial System
Form C-13 (front) Rev. 6/07

ORDER TO APPEAR (SUBPOENA)

Case
CV-2

IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

MCSWEENEY DESIGNS

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TRUSSVILLE, AL 35173

A. Issued at the request of :

1. ☐ Plaintiff/State
2. ☒ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing
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4. ☐ Other

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DATE ISSUED 5/2/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on 5-2-2017

[Signature]
Signature and Title of Server



02CV20000000000001

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Sheriff

Deputy Sheriff

SERVICE RETURN



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ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following RETURN ON SERVICE - SERVED was FILED on 5/8/2017 4:27:41 PM

Notice Date: 5/8/2017 4:27:41 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No.: CV-2016-900361
)	
LG ELECTRONICS U.S.A., INC.,)	
VAPOR'S SOURCE, CC'S TOBACCO)	
and PACKAGE, IMR ELECTRONICS,)	
LLC, SHENZHEN SMOORE)	
TECHNOLOGY LIMITED, and)	
FICTITIOUS DEFENDANTS A)	
THROUGH C,)	
)	
Defendants.)	

PLAINTIFF'S SECOND AMENDED COMPLAINT

COMES NOW, the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and for his Second Amendment to the Complaint would state as follows:

PARTIES

1. The Plaintiff adopts and incorporates any and all facts, averments and parties identified in his original Complaint and First Amended Complaint.

2. Defendant IMR Electronics, LLC (hereinafter "IMR") is, upon information and belief a Texas corporation doing business in Alabama by way of agent and/or distribution. Further, upon information and belief, IMR was the distributor of the LG battery at issue in this case. As such, IMR is being substituted in place of fictitious Defendant A.

3. Shenzhen SMOORE Technology Limited (hereinafter "Shenzhen") is, upon informant and belief, a Chinese manufacturer of vaping machines under the brand name of "Vapresso". Further, upon information and belief, Shenzhen is the manufacture of the device

utilized by Gardner at the time of the incident made the basis of this action. Shenzhen does business in the State of Alabama by way of agent and/or distribution.

FACTS

4. Plaintiff hereby adopts and incorporates all facts and averments set forth in his original Complaint as well as the First Amended Complaint.

COUNT ONE

Negligence

5. Plaintiff hereby adopts and incorporations paragraphs 1 through 4, above as well as all paragraphs set forth in his original Complaint and Amended Complaint as if fully set forth herein.

6. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to IMR and Shenzhen as well as all other Defendants previously identified.

COUNT TWO

Wantonness

7. Plaintiff hereby adopts and incorporations paragraphs 1 through 6, above as well as all paragraphs set forth in his original Complaint and Amended Complaint as if fully set forth herein.

8. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to IMR and Shenzhen as well as all other Defendants previously identified.

COUNT THREE
Alabama Extended Manufacturers Liability Doctrine

9. Plaintiff hereby adopts and incorporates paragraphs 1 through 8, above as well as all paragraphs set forth in his original Complaint and Amended Complaint as if fully set forth herein.

10. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to IMR and Shenzhen as well as all other Defendants previously identified.

Done this the 23rd day of May, 2017.

/s/Jonathan L. Brogdon
JONATHAN L. BROGDON (BRO211)
Attorney for Plaintiff

OF COUNSEL:
CHURCH BROGDON, PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens
JOEY STEVENS (STE138)
Attorney for Plaintiff

OF COUNSEL:
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011

CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of May, 2017, I electronically filed the foregoing with the Clerk of Court using the Alafile system, which will send notification of such filing to all parties of record.

/s/Jonathan L. Brogdon
Of Counsel

PLEASE SERVE THE FOLLOWING DEFENDANTS VIA CERTIFIED MAIL:

IMR Electronics, LLC
c/o Philip Levin
5330 Vista Road
Pasadena, TX 77505

Shenzhen SMOORE **(HOLD ON SERVICE)**
Building 16, Dongcai; Industrial Park
Gushu Village, Xixiang Town
Bao'an District, Shenzhen, China 518102



NOTICE TO CLERK

REQUIREMENTS FOR COMPLETING SERVICE BY
CERTIFIED MAIL OR FIRST CLASS MAIL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

61-CV-2016-900361.00

To: CLERK TALLADEGA
clerk.talladega@alacourt.gov

TOTAL POSTAGE PAID: \$6.77

Parties to be served by Certified Mail - Return Receipt Requested

IMR ELECTRONICS, LLC
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, AL 77505

Postage: \$6.77

Parties to be served by Certified Mail - Restricted Delivery - Return Receipt Requested

Parties to be served by First Class Mail

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
007-160900361.00	
Certified Mail Fee	\$
Extra Services & Fees (check box, or add as appropriate)	\$
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 6.77
Total	\$
Del	IMR Electronics, LLC
Str	c/o Philip Levin
Cit	5330 Vista Rd.
PS	Pasadena, AL 77505
TALLADEGA AL 35160	
MAY 24 2017	
USPS	
Instructions	



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

NOTICE OF SERVICE OF DOCUMENTS

TO: Circuit Court Clerk of Talladega County, AL

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of the Defendant:

- () Interrogatories
- () Answers to Interrogatories
- () Request for Production of Documents
- () Responses to Request for Production of Documents
- () Request for Admissions
- () Response to Request for Admissions
- () Notice of Taking Deposition
- (X) **Other: Notice of Intent to Serve Subpoenas on Non-Parties.**

Respectfully submitted,

s/ A. JOE PEDDY
A. JOE PEDDY (PED002)
SMITH, SPIRES & PEDDY, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203
Telephone: (205) 251-5885
Fax: (205) 251-8642
ajp@ssp-law.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system which will send notification of such filing to the following e-mail addresses on this the 2nd day of June, 2017.

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

NOTICE OF INTENT TO SERVE SUBPOENAS ON A NON-PARTIES

Take notice that upon the expiration of fifteen (15) days (or such other time as the Court has allowed) from the date of service of this notice the Defendant in this cause will apply to the Clerk of this Court for issuance of the attached subpoenas directed to the below who are not a party to this matter:

**Custodian of Records
J's Pharmacy
760 Martin Street
Suite A
Pell City, AL 35128**

**Custodian of Records
Northside Apothecary
72 Plaza Drive
Pell City, AL 35125**

**Custodian of Records
Carroll Pharmacy
6767 Old Springville Road
Pinson, AL 35126**

**Custodian of Records
Publix Pharmacy
Attn: Privacy Office
3300 Publix Corporate Parkway
Lakeland, FL 33811**

**Wal-Mart Pharmacy
Attn: Privacy Office**

**702 SW 8th Street - Mailstop 0230
Bentonville, AR 72716-0230**

**Custodian of Records
Coosa Valley Medical Center
315 W Hickory Street
Sylacauga, AL 35150**

Respectfully submitted,

s/ A. JOE PEDDY
A. JOE PEDDY (PED002)
SMITH, SPIRES, PEDDY, HAMILTON &
COLEMAN, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203
Telephone: (205) 251-5885
Fax: (205) 251-8642
ajp@ssp-law.com

CERTIFICATE OF SERVICE

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Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA**CLAYTON GARDNER,****Plaintiff,****vs.****LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,****Defendants.****CIVIL ACTION NO.:
CV 16-900361****SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45****TO: Custodian of Records
Carroll Pharmacy
6767 Old Springville Road
Pinson, AL 35126**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take

reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA**CLAYTON GARDNER,****Plaintiff,****vs.****LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,****Defendants.****CIVIL ACTION NO.:
CV 16-900361****SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45****TO: Custodian of Records
Coosa Valley Medical Center
315 W Hickory Street
Sylacauga, AL 35150**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all records, charts, admission and discharge summaries, nurses' notes, doctors' orders, x-ray reports, lab reports, data, results and reports of toxicological and/or chemical testing, etc., which pertain to the treatment and/or diagnosis, etc., of Mr. Gardner including all invoices for services rendered; claims filed to insurance provider(s); statement(s) showing amount paid by insurance provider(s), amount paid by Mr. Gardner or any representative of Mr. Gardner and, any and all outstanding balances.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

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(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Custodian of Records
J's Pharmacy
760 Martin Street
Suite A
Pell City, AL 35128**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

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(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

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(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

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s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA**CLAYTON GARDNER,****Plaintiff,****vs.****LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,****Defendants.****CIVIL ACTION NO.:
CV 16-900361****SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45****TO: Custodian of Records
Northside Apothecary
72 Plaza Drive
Pell City, AL 35125**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

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(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Custodian of Records
Publix Pharmacy
Attn: Privacy Office
3300 Publix Corporate Parkway
Lakeland, FL 33811

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

TO: Wal-Mart Pharmacy
Attn: Privacy Office
702 SW 8th Street - Mailstop 0230
Bentonville, AR 72716-0230

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

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(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following discovery was FILED on 6/2/2017 3:17:14 PM

Notice Date: 6/2/2017 3:17:14 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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AlaFile E-Notice

61-CV-2016-900361.00

To: IMR ELECTRONICS, LLC (PRO SE)
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, AL, 77505-0000

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To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

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To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

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To: RIVERS CLARENCE IV
Chip@ssp-law.com

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To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

NOTICE OF ELECTRONIC FILING

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brian.york@alacourt.gov

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: CV-16-900361

IMR Electronics, LLC

c/o Philip Levin

5330 Vista Rd.

Pasadena, AL 77505



9590 9402 2768 6351 3638 31

2. Article Number (Transfer from service label)

7017 0530 0000 4248 3620

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Karen E Borlack*

☐ Agent

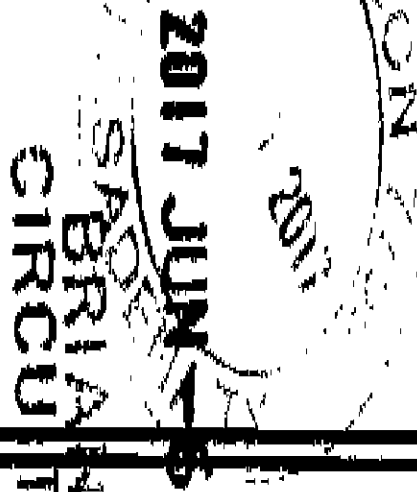
☐ Addressee

B. Received by (Printed Name)

KAREN E BORLACK

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No



3. Service Type

☒ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☒ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

all Restricted Delivery

1)



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF NO SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was not served on 6/6/2017

D004 IMR ELECTRONICS, LLC

Corresponding To

OTHER

ONLY THE REGISTERED AGENT CAN ACCEPT SERVICE ON AND LLC OR INC.

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF NO SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was not served on 6/6/2017

D004 IMR ELECTRONICS, LLC

Corresponding To

OTHER

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BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

COMES NOW the Defendant designated by Plaintiff as Vaper's Source, and hereby files its Answer to Plaintiff's Amended Complaint.

1. This Defendant adopts and incorporates its original Answer, including any and all affirmative defenses as if fully set out herein.

2 This Defendant denies each and every material allegation asserted in Plaintiff's Amended Complaint and demands strict proof thereof.

3. This Defendant reserves the right to amend its Answer as discovery progresses.

DEFENDANT, VAPER'S SOURCE, HEREBY DEMANDS A TRIAL BY STRUCK JURY.

Respectfully submitted,

/s/ A. Joe Peddy

A. JOE PEDDY (PED002)

ajp@ssp-law.com

/s/ Chip Rivers, IV

Clarence Rivers, IV (RIV010)

chip@ssp-law.com

/s/ Hannah H. Stokes
Hannah H. Stokes (STO099)
HStokes@ssp-law.com

Attorneys for Defendant, Vaper's Source

OF COUNSEL:

SMITH, SPIRES, PEDDY,
HAMILTON & COLEMAN, P.C.
2015 Second Avenue North - Suite 200
Birmingham, Alabama 35203
Telephone: (205) 251-5885
Facsimile: (205) 251-8642

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system, which will send notification of such filing to the following e-mail addresses on this the 9th day of June 2017.

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/Clarence Rivers, IV
Of Counsel



AlaFile E-Notice

61-CV-2016-900361.00

To: CLARENCE RIVERS IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following answer was FILED on 6/9/2017 4:06:56 PM

Notice Date: 6/9/2017 4:06:56 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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To: IMR ELECTRONICS, LLC (PRO SE)
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, AL, 77505-0000

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To: PEDDY ALBRY JOE
ajp@ssp-law.com

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hstokes@ssp-law.com

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brian.york@alacourt.gov



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC.,
VAPOR'S SOURCE, CC'S TOBACCO
and PACKAGE, and FICTITIOUS
DEFENDANTS A THROUGH C,

Defendants.

Civil Action No.: _____

COMPLAINT

Comes now the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and for his Complaint against the Defendants, LG Electronics, U.S.A., Inc., Vapor's Source and CC's Tobacco and Package states as follows:

PARTIES

1. Clayton Gardner (hereinafter "Gardner") is an individual over the age of 19 years and a resident of the City of Pell City, County of St. Clair, Alabama.

2. LG Electronics, U.S.A., Inc., (hereinafter "LG Electronics") is a foreign corporation authorized to do business in the State of Alabama.

3. Vapor's Source (hereinafter "Vaper's Source"), is, upon information and belief, a registered company headquartered in the State of Alabama and doing business in the City of Trussville, County of Jefferson, Alabama.

4. CC's Tobacco and Package (hereinafter "CC's"), is, upon information and belief, a registered company headquartered in the State of Alabama and doing business in the City of Talladega, County of Talladega, Alabama.

5. Fictitious Defendants A through C are those persons or entities whose responsibility it was to ensure a safe design and/or manufacturing of the Vaporesso Tarot – 200w vape device and/or the battery used in the Vaporesso Tarot – 200w vape device. The identities of Fictitious Defendants A through C is not known at this time, but will be substituted once known.

FACTS

6. In or about June 16, 2016, Gardner purchased a Vaporesso Tarot vapor device from CC's in Talladega, Alabama.

7. In or about November 2015, Gardner purchased a 200w battery from Vapor's Source in Trussville, Alabama for the Vaporesso vape device.

8. In or about July 6, 2016, Gardner was at the Holiday Inn in Talladega, Alabama for a job interview.

9. Gardner stepped outside and used his Vaporesso Tarot – 200w vape device, placing it in the front pocket of his pants after using it.

10. Approximately 15 minutes later the Vaporesso Tarot – 200w caught fire while still in the front pocket of Gardner's pants.

11. Gardner suffered first and second degree burns over his legs, pelvis and abdomen.

COUNT I

Negligence

12. Plaintiff hereby adopts and incorporates paragraphs 1 through 11 above as if fully set forth herein.

13. Defendants owed a duty to Gardner to manufacture a safe product.

14. Defendants breached the duty to Gardner by negligently failing to manufacture the battery and/or the Vapresso Tarot – 200w in a safe manner.

15. Gardner was injured as a result of Defendants' negligence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants in an amount to be determined at trial, including compensatory damages and mental anguish damages.

COUNT II

Wantonness

16. Plaintiff hereby adopts and incorporates paragraphs 1 through 15 above as if fully set forth herein.

17. Defendants owed a duty to Gardner to manufacture a safe product.

18. Defendants breached a duty to Gardner by wantonly failing to manufacture the Vapresso Tarot – 200w in a safe manner.

19. Gardner was injured as a result of Defendants' wantonness.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant in an amount to be determined at trial, including compensatory damages, mental anguish damages and punitive damages.

COUNT III

Alabama Extended Manufactures Liability

20. Plaintiff hereby adopts and incorporates paragraphs 1 through 19 above as if fully set forth herein.

21. The Defendants, acting together or independently, were negligent in their design, construction, assembly, manufacture, marketing and/or sale of the vape machine and/or the battery inside the machine.

22. Plaintiff suffered serious physical injuries while using the device for its intended use as a result of the Defendant's negligence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant in an amount to be determined at trial, including compensatory damages, mental anguish damages and punitive damages.

Respectfully submitted on this the 31st day of October, 2016.

/s/Jonathan L. Brogdon
JONATHAN L. BROGDON (BRO211)
Attorney for Plaintiff

OF COUNSEL:
CHURCH BROGDON, PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens
JOEY STEVENS (STE138)

OF COUNSEL:
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011

PLEASE SERVE DEFENDANT VIA CERTIFIED MAIL TO THE FOLLOWING ADDRESS:

**LG Electronics, Inc.
c/o W.S. Yang
201 James Record Road
Huntsville, Alabama 35806**

PLEASE SERVE DEFENDANT VIA SHERIFF TO THE FOLLOWING ADDRESS:

**Vapor's Source
7268 Gadsden Highway
Suite 104
Trussville, Alabama 35173**

PLEASE SERVE DEFENDANT VIA SHERIFF TO THE FOLLOWING ADDRESS:

**CC's Tobacco and Package
8045 Stemley Bridge Road
Talladega, Alabama 35160**



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC.,
VAPOR'S SOURCE, CC'S TOBACCO
and PACKAGE, and FICTITIOUS
DEFENDANTS A THROUGH C,

Defendants.

Civil Action No.: _____

COMPLAINT

Comes now the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and for his Complaint against the Defendants, LG Electronics, U.S.A., Inc., Vapor's Source and CC's Tobacco and Package states as follows:

PARTIES

1. Clayton Gardner (hereinafter "Gardner") is an individual over the age of 19 years and a resident of the City of Pell City, County of St. Clair, Alabama.

2. LG Electronics, U.S.A., Inc., (hereinafter "LG Electronics") is a foreign corporation authorized to do business in the State of Alabama.

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5. Fictitious Defendants A through C are those persons or entities whose responsibility it was to ensure a safe design and/or manufacturing of the Vaporesso Tarot – 200w vape device and/or the battery used in the Vaporesso Tarot – 200w vape device. The identities of Fictitious Defendants A through C is not known at this time, but will be substituted once known.

FACTS

6. In or about June 16, 2016, Gardner purchased a Vaporesso Tarot vapor device from CC's in Talladega, Alabama.

7. In or about November 2015, Gardner purchased a 200w battery from Vapor's Source in Trussville, Alabama for the Vaporesso vape device.

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COUNT I

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14. Defendants breached the duty to Gardner by negligently failing to manufacture the battery and/or the Vapresso Tarot – 200w in a safe manner.

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WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendants in an amount to be determined at trial, including compensatory damages and mental anguish damages.

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Wantonness

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19. Gardner was injured as a result of Defendants' wantonness.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant in an amount to be determined at trial, including compensatory damages, mental anguish damages and punitive damages.

COUNT III

Alabama Extended Manufactures Liability

20. Plaintiff hereby adopts and incorporates paragraphs 1 through 19 above as if fully set forth herein.

21. The Defendants, acting together or independently, were negligent in their design, construction, assembly, manufacture, marketing and/or sale of the vape machine and/or the battery inside the machine.

22. Plaintiff suffered serious physical injuries while using the device for its intended use as a result of the Defendant's negligence.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against the Defendant in an amount to be determined at trial, including compensatory damages, mental anguish damages and punitive damages.

Respectfully submitted on this the 31st day of October, 2016.

/s/Jonathan L. Brogdon
JONATHAN L. BROGDON (BRO211)
Attorney for Plaintiff

OF COUNSEL:
CHURCH BROGDON, PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens
JOEY STEVENS (STE138)

OF COUNSEL:
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011

PLEASE SERVE DEFENDANT VIA CERTIFIED MAIL TO THE FOLLOWING ADDRESS:

**LG Electronics, Inc.
c/o W.S. Yang
201 James Record Road
Huntsville, Alabama 35806**

PLEASE SERVE DEFENDANT VIA SHERIFF TO THE FOLLOWING ADDRESS:

**Vapor's Source
7268 Gadsden Highway
Suite 104
Trussville, Alabama 35173**

PLEASE SERVE DEFENDANT VIA SHERIFF TO THE FOLLOWING ADDRESS:

**CC's Tobacco and Package
8045 Stemley Bridge Road
Talladega, Alabama 35160**



AlaFile E-Notice

61-CV-2016-900361.00

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following alias summons was FILED on 6/12/2017 4:00:45 PM

Notice Date: 6/12/2017 4:00:45 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: IMR ELECTRONICS, LLC
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, TX, 77505

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following alias summons was FILED on 6/12/2017 4:00:45 PM

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BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 61-CV-2016-900361.00
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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

NOTICE TO: IMR ELECTRONICS, LLC, C/O PHILIP LEVIN 5330 VISTA ROAD, PASADENA, TX 77505

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), JONATHAN LYN BROGDON

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 2101 1st Avenue North, Pell City, AL 35125

(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL
PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of GARDNER CLAYTON
pursuant to the Alabama Rules of the Civil Procedure. _____
(Name(s))

6/12/2017 4:00:45 PM /s/ BRIAN YORK By: _____
(Date) (Signature of Clerk) (Name)

☒ Certified Mail is hereby requested. /s/ JONATHAN LYN BROGDON
(Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

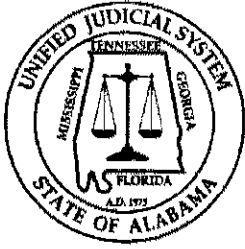
☐ Return receipt of certified mail received in this office on _____
(Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
_____ in _____ County,
(Name of Person Served) (Name of County)

Alabama on _____
(Date)

(Address of Server)

(Type of Process Server) _____
(Server's Signature) _____
(Server's Printed Name) _____
(Phone Number of Server)



NOTICE TO CLERK

REQUIREMENTS FOR COMPLETING SERVICE BY
CERTIFIED MAIL OR FIRST CLASS MAIL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

61-CV-2016-900361.00

To: CLERK TALLADEGA
clerk.talladega@alacourt.gov

TOTAL POSTAGE PAID: \$6.98

Parties to be served by Certified Mail - Return Receipt Requested

IMR ELECTRONICS, LLC
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, TX 77505

Postage: \$6.98

Parties to be served by Certified Mail - Restricted Delivery - Return Receipt Requested

Parties to be served by First Class Mail

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

61-CV-2016-900361.00

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$ **6.98**

IMR Electronics, LLC
c/o Philip Levin
5330 Vista Rd.
Pasadena, TX 77505

TALLADEGA AL 35160
JUN 15 2017
USPS

for Instructions

2524 8424 4248 0000 0530 2102

ORDER TO APPEAR
(SUBPOENA)

Case
CV-

ELECTRONICALLY FILED
6/19/2017 9:07 AM
61-CV-2016-900361.00
CIRCUIT COURT OF
TALLADEGA COUNTY, ALABAMA
BRIAN YORK, CLERK

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

J'S PHARMACY

760 MARTIN STREET
SUITE A
PELL CITY, AL 35128

A. Issued at the request of :

- ☐ Plaintiff/State
- ☒ Defendant
- ☐ Grand Jury

B. Special Instructions you are ordered to :

- ☐ Appear at trial/hearing
- ☒ Produce records or documents see attached schedule(s)
- ☐ Appear at deposition
- ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 06/29/2017 10:00 AM

ROOM Smith Spires & Peddy P.C.

ADDRESS 2015 2nd Ave North
Suite 200
Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)**(c) Protection of person subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Custodian of Records
 J's Pharmacy
 760 Martin Street
 Suite A
 Pell City, AL 35128**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

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s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the

direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING

PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 6/19/2017 9:07:52 AM

Notice Date: 6/19/2017 9:07:52 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: J'S PHARMACY
760 MARTIN STREET
SUITE A
PELL CITY, AL, 35128

NOTICE OF ELECTRONIC FILING

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AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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5330 VISTA ROAD
PASADENA, TX, 77505-0000

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jonathan@churchbrogdon.com

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joestevens01@gmail.com

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hstokes@ssp-law.com

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ORDER TO APPEAR
(SUBPOENA)

Case
CV-

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

NORTHSIDE APOTHECARY

72 PLAZA DRIVE
PELL CITY, AL 35125

A. Issued at the request of :

- ☐ Plaintiff/State
- ☒ Defendant
- ☐ Grand Jury

B. Special Instructions you are ordered to :

- ☐ Appear at trial/hearing
- ☒ Produce records or documents see attached schedule(s)
- ☐ Appear at deposition
- ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 06/29/2017 10:00 AM

ROOM Smith Spires & Peddy P.C.

ADDRESS 2015 2nd Ave North
Suite 200
Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)**(c) Protection of person subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Custodian of Records
Northside Apothecary
72 Plaza Drive
Pell City, AL 35125**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take

reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the

direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING
PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

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PELL CITY, AL, 35125

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HUNTSVILLE, AL, 35806-0000

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PASADENA, TX, 77505-0000

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jonathan@churchbrogdon.com

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To: RIVERS CLARENCE IV
Chip@ssp-law.com

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hstokes@ssp-law.com

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ORDER TO APPEAR
(SUBPOENA)

Case
CV-

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

CARROLL PHARMACY

6767 OLD SPRINGVILLE ROAD
PINSON, AL 35126

A. Issued at the request of :

- ☐ Plaintiff/State
- ☒ Defendant
- ☐ Grand Jury

B. Special Instructions you are ordered to :

- ☐ Appear at trial/hearing
- ☒ Produce records or documents see attached schedule(s)
- ☐ Appear at deposition
- ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 06/29/2017 10:00 AM

ROOM Smith Spires & Peddy P.C.

ADDRESS 2015 2nd Ave North
Suite 200
Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)**(c) Protection of person subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Custodian of Records
Carroll Pharmacy
6767 Old Springville Road
Pinson, AL 35126**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take

reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

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(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

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the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the

direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING
PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 6/19/2017 9:19:59 AM

Notice Date: 6/19/2017 9:19:59 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CARROLL PHARMACY
6767 OLD SPRINGVILLE ROAD
PINSON, AL, 35126

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: IMR ELECTRONICS, LLC (PRO SE)
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, TX, 77505-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: RIVERS CLARENCE IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

ORDER TO APPEAR
(SUBPOENA)

Case
CV-

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

PUBLIX PHARMACY

6 OFFICE PARK CIRCLE
SUITE 100
MOUNTAIN BROOK, AL 35223

A. Issued at the request of :

- ☐ Plaintiff/State
- ☒ Defendant
- ☐ Grand Jury

B. Special Instructions you are ordered to :

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DATE 06/29/2017 10:00 AM
ROOM Smith Spires & Peddy P.C.
ADDRESS 2015 2nd Ave North
Suite 200
Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

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CLAYTON GARDNER,)	
)	
Plaintiff,)	
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vs.)	CIVIL ACTION NO.:
)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Custodian of Records
Publix Pharmacy
Attn: Privacy Office
3300 Publix Corporate Parkway
Lakeland, FL 33811**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

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(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the

direction of the psychotherapist, including members of the patient's family. Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING
PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 6/19/2017 9:27:20 AM

Notice Date: 6/19/2017 9:27:20 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: PUBLIX PHARMACY
6 OFFICE PARK CIRCLE
SUITE 100
MOUNTAIN BROOK, AL, 35223

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: IMR ELECTRONICS, LLC (PRO SE)
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, TX, 77505-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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61-CV-2016-900361.00

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256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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61-CV-2016-900361.00

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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: RIVERS CLARENCE IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
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256-761-2102
brian.york@alacourt.gov

ORDER TO APPEAR
(SUBPOENA)

Case
CV-

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

WALMART PHARMACY

702 SW 8TH STREET

MAILSTOP 0230

BENTONVILLE, AR 72716

A. Issued at the request of :

1. ☐ Plaintiff/State

2. ☒ Defendant

3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing

2. ☒ Produce records or documents see attached schedule(s)

3. ☐ Appear at deposition

4. ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 06/29/2017 10:00 AM

ROOM Smith Spires & Peddy P.C.

ADDRESS 2015 2nd Ave North

Suite 200

Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4 5, Ala. R.Civ.P., Paragraphs (c) & (d)**(c) Protection of person subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Wal-Mart Pharmacy
Attn: Privacy Office
702 SW 8th Street - Mailstop 0230
Bentonville, AR 72716-0230**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all pharmacy records, any and all prescriptions filled, the name of the medical provider who prescribed any such prescriptions, amounts paid on behalf of Mr. Gardner, and amounts paid by any entities on behalf of Mr. Gardner.

THIS IS NOT TO BE CONSTRUED AS A LIMITED REQUEST.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take

reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

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direction of the psychotherapist, including members of the patient's family.

Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING

PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 6/19/2017 9:35:39 AM

Notice Date: 6/19/2017 9:35:39 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: WALMART PHARMACY
702 SW 8TH STREET
MAILSTOP 0230
BENTONVILLE, AR, 72716

NOTICE OF ELECTRONIC FILING

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TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following subpoena was FILED on 6/19/2017 9:35:39 AM

Notice Date: 6/19/2017 9:35:39 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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61-CV-2016-900361.00

To: IMR ELECTRONICS, LLC (PRO SE)
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, TX, 77505-0000

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joestevens01@gmail.com

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hstokes@ssp-law.com

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ORDER TO APPEAR
(SUBPOENA)

Case
CV-

IN THE CIRCUIT COURT OF TALLADEGA, ALABAMA
(Circuit, District, or Municipal) (Name of County or Municipality)

☐ State of Alabama

☐ Municipality of

☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):

☐ In the Matter of, a child

COOSA VALLEY MEDICAL CENTER

315 W HICKORY STREET
SYLACAUGA, AL 35150

A. Issued at the request of :

- ☐ Plaintiff/State
- ☒ Defendant
- ☐ Grand Jury

B. Special Instructions you are ordered to :

- ☐ Appear at trial/hearing
- ☒ Produce records or documents see attached schedule(s)
- ☐ Appear at deposition
- ☐ Other

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 06/29/2017 10:00 AM

ROOM Smith Spires & Peddy P.C.

ADDRESS 2015 2nd Ave North
Suite 200
Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK

Signature of Court Clerk

Deputy Clerk Initials

ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE

I Certify that I personally Delivered a copy of this order to

on

(For Criminal cases only)

☐ Served By Mail

Date Mailed

Signature and Title of Server

Sheriff

Deputy Sheriff

NOTICE

With respect to a subpoena which seeks only a production of documents or tangible things or an inspection of premises, as provided in Ala. R.Civ.P. 45(a)(3)(C), the production documents or tangible things or the inspection of premises pursuant to this subpoena shall take place where the documents or tangible things are regularly kept or at some other reasonable place designated by the recipient of this subpoena. As recipient of this subpoena, you have the option to deliver or mail legible copies of the documents or things to the party causing issuance of this subpoena, and the preparation of copies may be conditioned on the payment in advance of the reasonable cost of making such copies. Other parties involved in this lawsuit have the right to be present at the time of the production or inspection. The recipient of this subpoena has the right to object to the production or inspection at any time prior to the date of production or inspection set forth in this subpoena. See Ala. R.Civ.P. 45(c)(2)(B), which is set out below.

Rule 4.5, Ala. R.Civ.P., Paragraphs (c) & (d)**(c) Protection of person subject to subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, document or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designed in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expenses to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in responding to subpoena.

(1) A Person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO.:
	)	CV 16-900361
)	
LG CHEM, LTD; VAPER'S SOURCE;)	
CC'S TOBACCO and PACKAGE; et al.,)	
)	
Defendants.)	

SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45

**TO: Custodian of Records
 Coosa Valley Medical Center
 315 W Hickory Street
 Sylacauga, AL 35150**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all records, charts, admission and discharge summaries, nurses' notes, doctors' orders, x-ray reports, lab reports, data, results and reports of toxicological and/or chemical testing, etc., which pertain to the treatment and/or diagnosis, etc., of Mr. Gardner including all invoices for services rendered; claims filed to insurance provider(s); statement(s) showing amount paid by insurance provider(s), amount paid by Mr. Gardner or any representative of Mr. Gardner and, any and all outstanding balances.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires & Peddy, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research,

development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)

Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 2/16/2017 11:22:54 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 2/16/2017 11:22:54 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

**IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
TALLADEGA DIVISION**

GARDNER CLAYTON,)	
Plaintiff,)	
)	
V.	)	Case No.: CV-2016-900361.00
)	
LG ELECTRONICS, INC.,)	
VAPOR'S SOURCE,)	
CC'S TOBACCO & PACKAGE,)	
Defendants.)	

HIPAA Order

HIPAA ORDER IN CIVIL ACTION

Upon compliance with Alabama law, the attorneys for the parties and/or pro se parties to this lawsuit are permitted to obtain all health information, including charges therefor, relating to any Individual who is a party to this case, or any decedent or other real party in interest, represented by an executor, administrator, guardian, next friend, bailee or trustee. This Order neither broadens nor restricts any party's ability to conduct discovery pursuant to Alabama law, sole purpose hereof being only to permit compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

This Court Order authorizes any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to disclose Protected Health Information in response to such request or subpoena. The Court Order is intended to authorize such disclosures under Section 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Nothing in this Order shall be deemed to relieve any party or attorney of the requirements of the Alabama Rules of Civil Procedure. Nothing in this Order permits disclosure of confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the

direction of the psychotherapist, including members of the patient's family.

Nothing in this Order permits disclosure of records or information relating to HIV testing or sexually transmitted disease.

Nothing in this Order shall be construed to authorize any party or any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than agent or employee of the attorney or party. This Order prohibits the parties from using or disclosing the Protected Health Information for any purpose other than this litigation or proceedings.

At the conclusion of this action and at the written request on an Individual whose Protected Health Information has been disclosed, or such Individual's authorized representative, all recipients of the Protected Health Information shall return to the requesting party the documents and all copies thereof containing Protected Health Information received by them pursuant to this Order, except that Protected Health Information, which is included in insurance claim files and law firm litigation files, may be retained to allow compliance to the extent and for the period that such retention is required by Alabama insurance laws and the Alabama State Bar rules and regulations.

DONE this 16th day of February, 2017.

/s/ JULIAN M KING

PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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PASADENA, TX, 77505-0000

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SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

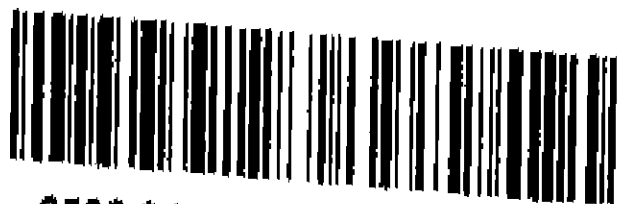
1. Article Addressed to: **CU-16-90036**

IMR Electronics, LLC

c/o Philip Levin

5330 Vista Rd.

Pasadena, TX 77505



9590 9402 2768 6351 3627 80

2. Article Number (Transfer from service label)

7017 0530 0000 4248 4252

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Handwritten Signature]

☐ Agent

☐ Addressee

B. Received by (Printed Name)

KAREN E BORUCK

C. Date of Delivery

6-21-17

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

1 JUN 26 2017
PHILADELPHIA
PA

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☒ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Restricted Delivery

Return Receipt



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was served on 6/21/2017

D004 IMR ELECTRONICS, LLC

Corresponding To
CERTIFIED MAIL

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was served on 6/21/2017

D004 IMR ELECTRONICS, LLC

Corresponding To
CERTIFIED MAIL

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

NOTICE OF SERVICE OF DOCUMENTS

TO: Circuit Court Clerk of Talladega County, AL

PLEASE TAKE NOTICE that the following discovery documents have been filed on behalf of the Defendant:

- () Interrogatories
- () Answers to Interrogatories
- () Request for Production of Documents
- () Responses to Request for Production of Documents
- () Request for Admissions
- () Response to Request for Admissions
- () Notice of Taking Deposition
- (X) **Other: Notice of Intent to Serve Subpoena on Non-Party.**

Respectfully submitted,

s/ A. JOE PEDDY
A. JOE PEDDY (PED002)
SMITH, SPIRES & PEDDY, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203
Telephone: (205) 251-5885
Fax: (205) 251-8642
ajp@ssp-law.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system which will send notification of such filing to the following e-mail addresses on this the 27th day of June, 2017.

Jonathan L. Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

NOTICE OF INTENT TO SERVE SUBPOENAS ON A NON-PARTIES

Take notice that upon the expiration of fifteen (15) days (or such other time as the Court has allowed) from the date of service of this notice the Defendant in this cause will apply to the Clerk of this Court for issuance of the attached subpoenas directed to the below who are not a party to this matter:

**Custodian of Records
Complete Pain Care
2345 Moody Parkway
Suite 204
Moody, AL 35004**

Respectfully submitted,

s/ A. JOE PEDDY
A. JOE PEDDY (PED002)
SMITH, SPIRES, PEDDY, HAMILTON &
COLEMAN, P.C.
Suite 200
2015 Second Avenue North
Birmingham, Alabama 35203
Telephone: (205) 251-5885
Fax: (205) 251-8642
ajp@ssp-law.com

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2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

s/ A. JOE PEDDY
OF COUNSEL

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA**CLAYTON GARDNER,****Plaintiff,****vs.****LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,****Defendants.****CIVIL ACTION NO.:
CV 16-900361****SUBPOENA FOR PRODUCTION OF DOCUMENTS UNDER RULE 45****TO: Custodian of Records
Complete Pain Care
2345 Moody Parkway
Suite 204
Moody, AL 35004**

You are hereby notified of the following request of the Defendant. That you produce and permit said Defendant to inspect and copy each of the following class of documents within fifteen (15) days:

The complete file of CLAYTON GARDNER, DOB: 07/17/1989, including but not limited to all records, charts, admission and discharge summaries, nurses' notes, doctors' orders, x-ray reports, lab reports, data, results and reports of toxicological and/or chemical testing, etc., which pertain to the treatment and/or diagnosis, etc., of Mr. Gardner including all invoices for services rendered; claims filed to insurance provider(s); statement(s) showing amount paid by insurance provider(s), amount paid by Mr. Gardner or any representative of Mr. Gardner and, any and all outstanding balances.

YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING A PHOTOSTATIC COPY OF ALL RECORDS AS REQUESTED TO **Angela Holman, Paralegal, Smith, Spires, Peddy, Hamilton & Coleman, 2015 Second Avenue North, Suite 200, Birmingham, Alabama 35203 (205) 251-5885.** Defendant agrees to reimburse for records based on the provisions of §12-21-6.1, *Code of Alabama* 1975 (1995 Repl. Vol.).

Rule 45© and (d) of the *Alabama Rules of Civil Procedure* instructs you as follows:

© Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court from which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying at any time before the time specified for compliance may serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. "Serve" as used herein means mailing to the party or attorney. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(I) fails to allow reasonable time for compliance;

(ii) requires a resident of this state who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed or regularly transacts business in person, or requires a nonresident of this state who is not a party or an officer of a party to travel to a place within this state more than one hundred (100) miles from the place of service or, where separate from the place of service, more than one hundred (100) miles from the place where that person is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(I) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of a party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to a Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claims shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

s/ A. JOE PEDDY

A. JOE PEDDY (PED002)
Attorney for Defendant

OF COUNSEL:

Smith, Spires & Peddy
2015 Second Avenue North
Suite 200
Birmingham, Alabama 35203
(205) 251-5885



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following discovery was FILED on 6/27/2017 2:08:55 PM

Notice Date: 6/27/2017 2:08:55 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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AlaFile E-Notice

61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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AlaFile E-Notice

61-CV-2016-900361.00

To: IMR ELECTRONICS, LLC (PRO SE)
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, TX, 77505-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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AlaFile E-Notice

61-CV-2016-900361.00

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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joestevens01@gmail.com

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AlaFile E-Notice

61-CV-2016-900361.00

To: RIVERS CLARENCE IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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AlaFile E-Notice

61-CV-2016-900361.00

To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
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brian.york@alacourt.gov



State of Alabama Unified Judicial System Form C-13 (front) Rev. 6/07	ORDER TO APPEAR (SUBPOENA)	Case CV-
--	---------------------------------------	--------------------

IN THE <u>CIRCUIT</u> <i>(Circuit, District, or Municipal)</i>	COURT OF <u>TALLADEGA - TALLADEGA</u> <i>(Name of County or Municipality)</i>	ALABAMA
---	--	---------

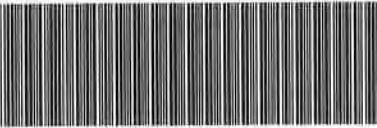
<input type="checkbox"/> State of Alabama <input type="checkbox"/> Municipality of _____ <input checked="" type="checkbox"/> <u>CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL</u> (For Juvenile cases only): <input type="checkbox"/> In the Matter of _____, a child <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> NORTHSIDE APOTHECARY 72 PLAZA DRIVE PELL CITY, AL 35125 </div> You may contact: <u>ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885</u>	A. Issued at the request of : 1. <input type="checkbox"/> Plaintiff/State 2. <input checked="" type="checkbox"/> Defendant 3. <input type="checkbox"/> Grand Jury B. Special Instructions you are ordered to : 1. <input type="checkbox"/> Appear at trial/hearing 2. <input checked="" type="checkbox"/> Produce records or documents see attached schedule(s) 3. <input type="checkbox"/> Appear at deposition 4. <input type="checkbox"/> Other _____
--	--

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE <u>6/29/2017 10:00:00 AM</u> ROOM <u>Smith Spires & Peddy P.C.</u> ADDRESS <u>2015 2nd Ave North</u> <u>Suite 200</u> <u>Birmingham, AL 35203</u> DATE ISSUED <u>6/19/2017</u> <div style="display: flex; justify-content: space-between;"> <div> <u>/s/ BRIAN YORK</u> Signature of Court Clerk </div> <div> Deputy Clerk Initials </div> </div>	ADDITIONAL INSTRUCTIONS Any inspection or production of documents or records must be completed within 15 days Please see attached for requested records.
--	--

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE	
I Certify that I personally Delivered a copy of this order to _____ on <u>6/22/17</u> <u>via certified mail</u> <u>KBlum</u> Signature and Title of Server	(For Criminal cases only) <input type="checkbox"/> Served By Mail Date Mailed _____ <div style="display: flex; justify-content: space-between;"> <div> Sheriff </div> <div> Deputy Sheriff </div> </div>


 02CV2000000000D001

SERVICE RETURN

State of Alabama Unified Judicial System Form C-13 (front) Rev. 6/07	ORDER TO APPEAR (SUBPOENA)	Case Number: CV-2016-900361.00
--	---------------------------------------	--

IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) *(Name of County or Municipality)*

☐ State of Alabama
☐ Municipality of _____
☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):
☐ In the Matter of _____, a child

J'S PHARMACY

760 MARTIN STREET
 SUITE A
 PELL CITY, AL 35128

A. Issued at the request of :

1. ☐ Plaintiff/State
2. ☒ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing
2. ☒ Produce records or documents see attached schedule(s)
3. ☐ Appear at deposition
4. ☐ Other _____

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

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DATE 6/29/2017 10:00:00 AM

ROOM Smith Spires & Peddy P.C.

ADDRESS 2015 2nd Ave North
Suite 200
Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK
 Signature of Court Clerk

 Deputy Clerk Initials

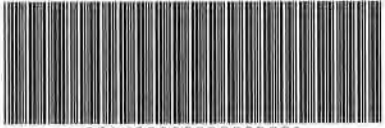
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02CV20000000000001

SERVICE RETURN

State of Alabama Unified Judicial System Form C-13 (front) Rev. 6/07	ORDER TO APPEAR (SUBPOENA)	Case Number: CV-2016-900361.00
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IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) *(Name of County or Municipality)*

☐ State of Alabama
☐ Municipality of _____
☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):
☐ In the Matter of _____, a child

CARROLL PHARMACY

6767 OLD SPRINGVILLE ROAD

PINSON, AL 35126

A. Issued at the request of :

1. ☐ Plaintiff/State

2. ☒ Defendant

3. ☐ Grand Jury

B. Special Instructions you are ordered to :

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2. ☒ Produce records or documents see attached schedule(s)

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DATE 6/29/2017 10:00:00 AM

ROOM Smith Spires & Peddy P.C.

ADDRESS 2015 2nd Ave North
Suite 200
Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK
 Signature of Court Clerk

 Deputy Clerk Initials

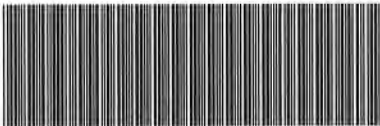
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02CV2000000000D001

SERVICE RETURN

State of Alabama Unified Judicial System Form C-13 (front) Rev. 6/07	ORDER TO APPEAR (SUBPOENA)	Case Number: CV-2016-900361.00
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IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) *(Name of County or Municipality)*

☐ State of Alabama
☐ Municipality of _____
☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):
☐ In the Matter of _____, a child

WALMART PHARMACY

702 SW 8TH STREET
 MAILSTOP 0230
 BENTONVILLE, AR 72716

A. Issued at the request of :

1. ☐ Plaintiff/State
2. ☒ Defendant
3. ☐ Grand Jury

B. Special Instructions you are ordered to :

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ADDRESS 2015 2nd Ave North
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/s/ BRIAN YORK
 Signature of Court Clerk


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 Deputy Clerk Initials

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<p>I Certify that I personally Delivered a copy of this order to _____ on <u>6/23/17</u></p> <p><u>Via cert. mail</u></p> <p><u>K. Blum</u> Signature and Title of Server</p> <div style="text-align: center;">  02CV2000000000D001 </div>	<p><i>(For Criminal cases only)</i></p> <p><input type="checkbox"/> Served By Mail</p> <p>Date Mailed _____</p> <p style="text-align: center;">_____ Sheriff Deputy Sheriff</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">SERVICE RETURN</p>

State of Alabama Unified Judicial System Form C-13 (front) Rev. 6/07	ORDER TO APPEAR (SUBPOENA)	Case Number: CV-2016-900361.00
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IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) *(Name of County or Municipality)*

☐ State of Alabama
☐ Municipality of _____
☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):
☐ In the Matter of _____, a child

COOSA VALLEY MEDICAL CENTER

315 W HICKORY STREET

SYLACAUGA, AL 35150

A. Issued at the request of :

1. ☐ Plaintiff/State

2. ☒ Defendant

3. ☐ Grand Jury

B. Special Instructions you are ordered to :

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2. ☒ Produce records or documents see attached schedule(s)

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 Signature of Court Clerk


 Deputy Clerk Initials

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 02CV2000000000D001	<p>Sheriff _____ Deputy Sheriff _____</p> <p style="font-size: 1.5em; font-weight: bold;">SERVICE RETURN</p>

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IN THE CIRCUIT COURT OF TALLADEGA - TALLADEGA, ALABAMA
(Circuit, District, or Municipal) *(Name of County or Municipality)*

☐ State of Alabama
☐ Municipality of _____
☒ CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

(For Juvenile cases only):
☐ In the Matter of _____, a child

PUBLIX PHARMACY

6 OFFICE PARK CIRCLE
 SUITE 100
 MOUNTAIN BROOK, AL 35223

A. Issued at the request of :

1. ☐ Plaintiff/State
 2. ☒ Defendant
 3. ☐ Grand Jury

B. Special Instructions you are ordered to :

1. ☐ Appear at trial/hearing
 2. ☒ Produce records or documents see attached schedule(s)
 3. ☐ Appear at deposition
 4. ☐ Other _____

You may contact: ALBRY JOE PEDDY MR. 2015 SECOND AVENUE NORTH, SUITE 200 BIRMINGHAM, AL 35203 (205) 251-5885

YOU ARE ORDERED TO APPEAR to give testimony before the court or by deposition; and/or produce and permit inspection and copying of books, documents, or tangible things; and /or permit inspection of premises as stated below until otherwise excused. Failure to obey this subpoena may be deemed a contempt of court from which the subpoena was issued.

DATE 6/29/2017 10:00:00 AM
 ROOM Smith Spires & Peddy P.C.
 ADDRESS 2015 2nd Ave North
Suite 200
Birmingham, AL 35203

DATE ISSUED 6/19/2017

/s/ BRIAN YORK
 Signature of Court Clerk Deputy Clerk Initials

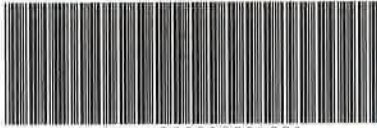
ADDITIONAL INSTRUCTIONS

Any inspection or production of documents or records must be completed within 15 days

Please see attached for requested records.

TO ANY SHERIFF OF THE STATE OF ALABAMA OR ANY AUTHORIZED PERSON You are ordered to serve this order on the above named person and make return to this court.

RETURN ON SERVICE	
I Certify that I personally Delivered a copy of this order to _____ on <u>6-20-2017</u> <u>X [Signature] Reception</u> <u>[Signature]</u> Signature and Title of Server <u>Rodney Passas</u> <u>2015-2nd Ave N,</u> <u>Suite 200</u> <u>Bham AL 35203</u>	(For Criminal cases only) <input type="checkbox"/> Served By Mail Date Mailed _____ _____ Sheriff _____ Deputy Sheriff



02CV20000000000D001

SERVICE RETURN

205-251-5885



AlaFile E-Notice

61-CV-2016-900361.00

To: ALBRY JOE PEDDY MR.
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following RETURN ON SERVICE - SERVED was FILED on 7/6/2017 4:00:51 PM

Notice Date: 7/6/2017 4:00:51 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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To: IMR ELECTRONICS, LLC (PRO SE)
C/O PHILIP LEVIN
5330 VISTA ROAD
PASADENA, TX, 77505-0000

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To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

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To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
v.	)	Case No.: CV2016-900361
)	
LG ELECTRONICS U.S.A., INC.,)	
VAPOR'S SOURCE, CC'S TABACO)	
and PACKAGE,)	
)	
Defendants.)	

ANSWER

Comes now Expo International, Inc., formerly doing business as IMR Electronics, LLC and by way of answer to Plaintiff's Complaint says as follows:

1. Defendant denies that it or any of its agent were guilty of any negligence that caused or contributed to cause the Plaintiff's accident.
2. Defendant denies that it or any of its agents were guilty of any wanton misconduct that caused or contributed to cause to the Plaintiff's loss.
3. This Defendant denies it was the manufacturer of any battery as alleged in the Plaintiff's Complaint.
4. This Defendant pleads all applicable defenses available under the Extended Manufacturers Liability Doctrine.
5. Defendant denies that there was any defect of any type in any batter or other product that might have been sold or furnished by this Defendant to any other party.
6. Defendant denies there was any causal connection by and between anything done by this Defendant and the Plaintiff.

7. Plaintiff was guilty of contributory negligence which proximately contributed to his accident and injury.

8. Plaintiff assumed the risk of injury by his conduct on the date and at the place referred to in the Complaint.

9. Plaintiff's medical expenses have been paid for through a collateral source in an amount less than the amount as billed.

10. Defendant denies there was any proximate causation between anything done by this Defendant and the accident alleged by the Plaintiff.

11. The Defendant pleads the Plaintiff's misuse of the product.

12. Defendant denies that it furnished any product which was used by the Plaintiff at the time and at the place referred to in the Complaint but that if anything was furnished by this Defendant it is denied that it was defective.

13. This Defendant denies it is subject to the jurisdiction of the Alabama Courts and venue in Talladega County.

14. Defendant denies that Plaintiff's Complaint has stated grounds of which relief can be obtained against this Defendant.

15. This Defendant denies that it or any of the other Defendants had a duty to manufacturer "a safe product" and this Defendant avers that to the extent Plaintiff was using any product manufactured, designed or distributed by this Defendant that the product was in reasonably safe condition when put to its intended use.

16. Defendant denies the nature and extent of the injuries alleged by the Plaintiffs.

17. This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the constitutional safeguards provided to Defendants under the Constitution of the State of Alabama.

18. This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the constitutional safeguards provided to Defendants under the Constitution of the United States of America.

19. This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the constitutional safeguards provided to Defendants under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States in that punitive damages are vague and are not rationally related to legitimate government interests.

20. This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of Article I, Section 6 of the Constitution of the State of Alabama which provides that no person shall be deprived of life, liberty, or property except by due process of law, in that punitive damages are vague and are not rationally related to legitimate government interests.

21. This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the procedural safeguards provided to Defendants under the Sixth Amendment to the Constitution of the United States in that punitive damages are penal in nature and, consequently, the Defendants are entitled to the same procedural safeguards accorded to criminal Defendants.

22. This Defendant avers that they are violative of the self incrimination clause of the Fifth Amendment to the Constitution of the United States of America to impose punitive damages against it, which are penal in nature, yet compel it to disclose potentially incriminating documents and evidence.

23. This Defendant avers that they are violative of the rights guaranteed by the Constitution of the United States of America and the Constitution of the State of Alabama to impose punitive damages against this defendant which are penal in nature by requiring a burden of proof on the Plaintiff which is less than the "beyond a reasonable doubt" burden of proof required in criminal cases.

24. This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the Eighth Amendment to the Constitution of the United States in that the damages would be an excessive fine in violation of the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

25. This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of Article I, Section 15 of the Constitution of Alabama 1901 in that the damages would be an excessive fine.

26. This Defendant pleads the statutory immunity granted to a distributor of a product who made no changes to the product.

27. Defendant reserves the right to add any later defenses that discovery might reveal to be available.

Date: July 17, 2017

s/Jay Clark

John W. Clark, Jr.

Clark, Hair & Smith P.C.
1000 Urban Center Drive
Suite 125
Birmingham, Alabama 35242
205-397-2900
205-397-2901 – Fax
Email: jclark@chslaw.com

Attorney for Defendant Expo International, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of July, 2017, I electronically filed the foregoing with the Clerk of the Court using the Alabama e-filing system which will send notification of such filing; and I hereby certify that any non e-filing participants to whom the foregoing is due will have a copy of same placed in the United States mail, first class postage prepaid and properly addressed this same day.

Jonathan L. Brogdon
CHURCH BROGDON, PC
2101 1st Avenue North
Pell City, Alabama 35125
205-388-5715
205-338-5717 – Fax

Joey Stevens
The law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
205-814-0011

/s/ Jay Clark
OF COUNSEL



AlaFile E-Notice

61-CV-2016-900361.00

To: JOHN W CLARK JR.
jclark@chslaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following answer was FILED on 7/17/2017 1:05:36 PM

Notice Date: 7/17/2017 1:05:36 PM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



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To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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To: PEDDY ALBRY JOE
ajp@ssp-law.com

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STATE OF ALABAMA

Revised 3/5/08

Cas

Unified Judicial System

61-TALLADEGA

☐ District Court ☒ Circuit Court

CV21

CLAYTON GARDNER V. LG ELECTRONICS, INC.
ET AL**CIVIL MOTION COVER SHEET**

Name of Filing Party: D002 - VAPOR'S SOURCE

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

HANNAH HOOKS STOKES
2015 2nd Avenue North - Ste 200
Birmingham, AL 35203

Attorney Bar No.: STO099

☐ Oral Arguments Requested**TYPE OF MOTION****Motions Requiring Fee**

- ☐ Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☒ Summary Judgment pursuant to Rule 56 (\$50.00)
- ☐ Motion to Intervene (\$297.00)
- ☐ Other _____
pursuant to Rule _____ (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

☐ Local Court Costs \$ 50

Motions Not Requiring Fee

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during Trial)
- ☐ Disburse Funds
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Pendente Lite
- ☐ Plaintiff's Motion to Dismiss
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Vacate or Modify
- ☐ Withdraw
- ☐ Other _____
pursuant to Rule _____ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:
4/30/2018 10:40:20 AM

Signature of Attorney or Party
/s/ HANNAH HOOKS STOKES

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

VS.

**CIVIL ACTION NO.:
CV 16-900361**

**LG CHEM, LTD; VAPER'S SOURCE;)
CC'S TOBACCO and PACKAGE; et al.,)**

Defendants.

**DEFENDANTS VAPER’S SOURCE AND IMR ELECTRONICS’
JOINT MOTION FOR SUMMARY JUDGMENT**

COMES NOW the defendants, designated by plaintiff as Vaper's Source and IMR Electronics (now known as Expo International, Inc.), by and through their undersigned counsels of record, and pursuant to Rule 56 of the Alabama Rules of Civil Procedure, and hereby requests that this Court enter an order granting Summary Judgment in its entirety and against the plaintiff as to all counts asserted in his complaint. Defendants assert that there is no issue of material fact, and that they are entitled to judgment as a matter of law. Defendants present the following brief in support of this motion.

STATEMENT OF UNDISPUTED FACTS

This case arises out of an incident alleged by the plaintiff, Clayton Gardner, on or about July 16, 2016. Gardner alleges that fifteen (15) minutes after using and placing a Vaporesso Tarot 200w vape device in his front pocket, the device caught fire. (Complaint). A “vape” device is a battery-operated device used by smokers or former smokers in an effort to assist them in ceasing smoking. Gardner alleges that this incident caused him to sustain first and second degree burns over his legs, pelvis, and abdomen. Gardner also alleges that he purchased

the Vaporesso Tarot 200w device on or about June 16, 2016 from Defendant CC's Tobacco and Package. (Complaint). He alleges, as no evidence has been presented to confirm, to have purchased a 200w battery for the device from Defendant, Vaper's Source, on or about November 2015. (Complaint).

Gardner's discovery responses state that he was with family in Lincoln, Alabama at the time of the accident and had been throwing ball with his minor nephew when his pocket caught fire with the device inside. (Complaint and Plaintiff's Discovery Responses). Additionally, Gardner states that he was using the vape device approximately ten (10) minutes prior to the incident and placed it in his left front pocket thereafter. (Complaint and Plaintiff's Discovery Responses). Gardner initially had the following defendants in his complaint: LG Chem Ltd. (name amended), Vaper's Source, and CC's Tobacco and Package (Complaint). With Gardner's recently filed amended complaint, the following defendants have also been added: IMR Electronics, LLC, as alleged distributor LG battery, and Shenzhen Smoore Technology Limited, as alleged manufacturer of the Vaporesso device. (Amended Complaint).

The Defendant Vaper's Source is a retailer of vaping devices and accessories in Trussville, Alabama. (Exhibit A, Affidavit of Vaper's Source). The Defendant had no involvement with the manufacturing, designing, or packaging of the batteries and did nothing to alter them upon receipt.(Exhibit A). The Defendant had ordered this type of battery before from IMR Electronics, a distributor, to sell in its stores (Exhibit A).

The Defendant IMR electronics is now known as Expo International, Inc. and is a distributor of, among other things, LG batteries. (Exhibit B, Affidavit of Expo). Expo is not a manufacturer or assembler of LG batteries and did not manufacture the batteries used in the Plaintiff's vaping device. Expo sold the batteries used in the device to Vapor Source in the

December 2015 through March 2016 time frame. (Exhibit B). The LG batteries furnished by Expo to Vaper's Source were manufactured by LG Chem, a subsidiary of LG Electronics. (Exhibit B). Expo had no control over the design, testing, manufacturing, initial packaging or labeling of the batteries. (Exhibit B). Expo did not in any way alter or modify the batteries from the time they were received until furnished to Vapers Source.

An Affidavit has been served on the Plaintiff's attorney advising the correct identity of the manufacturer of the battery. The address of the manufacturer was listed in the Affidavit which is attached as Exhibit "B".

STANDARD OF REVIEW

Under the Alabama Rules of Civil Procedure, summary judgment is appropriate when the discovery process "show[s] that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Ala.R.Civ.P., 56(c)(3). The movant may rely on any evidence tending to show the lack of a genuine issue of material fact because "[t]he law requires only that a movant for summary judgment present evidence, from whatever source, to show that there is no triable issue of fact." Ex parte General Motors Corp., 769 So.2d 903, 909 (Ala. 1999). In doing so, the movant "need not prove a negative in order to prevail on a motion for summary judgment." Id. (quoting Lawson State Community College v. First Continental Leasing Corp., 529 So.2d 926 (Ala. 1988)). The movant can prevail either by producing "evidence that negates an essential element in a non-movant's claim or ... by demonstrating ... that- the nonmovant's evidence is insufficient to establish an essential element of a non-movant's claim...." General Motors, 769 So.2d at 909 (quoting Justice Houston's special concurrence in Bernard v.Caldwell, 543 So. 2d 686 (Ala. 1989)).

A properly supported motion for summary judgment can be defeated only by “substantial evidence” of the existence of a genuine material fact. Upshaw v. McArdle, 650 So.2d 875, 876 (Ala. 1994). To be considered substantial, evidence must be “of such weight and quality that fair minded persons in the exercise of impartial judgment can reasonably infer the existence of the fact sought to be proved.” Id. (quoting West v. Founders Life Assurance Company of Florida, 547 So.2d 879 (Ala. 1989)). Evidence that affords nothing more than speculation, conjecture, or guesses does not rise to the level of substantial evidence. Smoyer v. Birmingham Area Chamber of Commerce, 517 So.2d 585, 588 (Ala. 1987).

LEGAL ARGUMENT

Defendants are entitled to summary judgment as a matter of law on all claims made by plaintiff, Clayton Gardner. As the basis of this argument, Defendants assert that there is no genuine issue of material fact and that Vapor’s Source and IMR Electronics should be dismissed as “innocent sellers” under Alabama Code §6-5-521 and through a “closed-container defense” provided for AEMLD claims against retailers.

I. Defendants are entitled to summary judgment as the Defendants are protected under Ala. Code §6-5-521.

Defendants, Vapor’s Source and IMR Electronics, are entitled to summary judgment pursuant to the “Innocent Seller Act,” codified by amendment as Ala. Code § 6-5-521. Specifically, § 6-5-521 states the following in pertinent part:

(b) **No product liability action may be asserted** or may be provided a claim for relief **against any distributor, wholesaler, dealer, retailer, or seller of a product**, or against an individual or business entity using a product in the production or delivery of its products or services (collectively referred to as the distributor) **unless any of the following apply**:

(1) The distributor is also the manufacturer or assembler of the final product and such act is causally related to the product's defective condition.

(2) The distributor exercised substantial control over the design, testing, manufacture, packaging, or labeling of the product and such act is causally related to the product's condition.

(3) The distributor altered or modified the product, and the alteration or modification was a substantial factor in causing the harm for which recovery of damages is sought. (4) It is the intent of this subsection to protect distributors who are merely conduits of a product. This subsection is not intended to protect distributors from independent acts unrelated to the product design or manufacture, such as independent acts of negligence, wantonness, warranty violations, or fraud.

...

(d) In a product liability action brought pursuant to subsection (c), against a distributor, wholesaler, dealer, retailer, or seller of a product . . . the party, upon answering or otherwise pleading, may file an affidavit certifying the correct identity of the manufacturer of the product that allegedly caused the claimant's injury. Once the claimant has commenced an action against the manufacturer, and the manufacturer has or is required to have answered or otherwise pleaded, the claimant **shall voluntarily dismiss all claims** against the . . . retailer, or seller of the product in question . . . unless the claimant can **identify prima facie evidence** that the requirements of subsection (b) for maintaining a product liability action against such a party are satisfied.

Ala. Code § 6-5-521(emphasis added). It should be noted that the plaintiff's claims against the Defendants fall under the legislature's definition of a "product liability action":

- (a) A "product liability action" means any action brought by a natural person for personal injury, death, or property damage caused by the manufacture, construction, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, or labeling of a manufactured product when such action is based upon (a) negligence, (b) innocent or negligent misrepresentation, (c) the manufacturer's liability doctrine, (d) the Alabama extended manufacturer's liability doctrine, as it exists or is hereafter construed or modified, (e) breach of any implied warranty, or (f) breach of any oral express warranty and no other. A product liability action does not include an action for contribution or indemnity. Ala. Code § 6-5-521 (1975).

Commentators have explained that the Act's purpose is to "protect[] wholesale and retail sellers of products." 1 Ala. Pers. Inj. & Torts § 7:11 (2016 ed.). Further, the United States District Court for the Northern District of Alabama, applying Alabama law, has held that the Innocent Seller Act provides absolute protection to a defendant seller if the plaintiff does not prove one of the exceptions. *Gardner v. Aloha Ins. Servs.*, No. 2:11-cv-03450-RDP, 2013 WL 839884, at *7 (N.D. Ala. Mar. 4, 2013), *aff'd*, 566 F. App'x 903 (11th Cir. 2014). In *Gardner*, the plaintiff failed to allege that the defendant Wal-Mart fell under one of the enumerated exceptions to the Act. Accordingly, the Court held that this issue was dispositive, and affirmed summary judgment in favor of the defendant. Therefore, in line with the foregoing, if a plaintiff is able to identify the manufacturer of a defective product, there is no cause of action against the seller unless it controlled the manufacturing, assembly, design, testing, packaging, or labeling of the product, or unless the seller modified the product.

The pertinent part of the Ala. Code § 6-5-521 is that a plaintiff may pursue claims against a retailer if the manufacturer is not identifiable by plaintiff. To that effect, Vaper's Source states that it purchased batteries¹ from a battery distributor, IMR Electronic or Expo International, as authentic and brand name LG batteries. (Exhibit A, Affidavit of Vaper's Source). At the time of plaintiff's alleged purchase of the battery from Vaper's Source, Robert Slawson was a member of Vaper's Source LLC and handled the ordering and purchasing for the store. (Exhibit A). Plaintiff claims to have purchased the alleged 200w LG battery from Vaper's Source on or about November 2015. (Complaint). From September 2015 through December 2015, Slawson only made purchases of these types of batteries through one

¹ It is unknown whether or not the batteries purchased from Vaper's Source and received from distributor Expo International were, in fact, the batteries which Plaintiff alleges caused him injury.

company, IMR Electronics, as he wanted authentic LG batteries in his store. (Exhibit A). Vaper's Source has purchase orders from November 23, 2015 from IMR Batteries which detail the purchase of twenty (20) LG HG2 18650 3000mAh 20A flat top batteries. (Exhibit C, IMR Purchase Orders).

Upon purchase from an online account, the batteries were shipped directly to Vaper's Source where they remained enclosed in their packages until sale. (Exhibit A). Further, the batteries were stored in their original packaged boxes in a store stock room until a sale to a customer. Vaper's Source had nothing to do with the design, manufacturing, or packaging of any batteries purchased for sale in Vaper's Source and did not alter, modify, or change the products upon receipt. (Exhibit A). This Defendant informed the plaintiff of the distributor from whom the batteries were purchased, and the plaintiff amended his complaint to add the distributor as a party. (Amended Complaint).

Similarly, Defendant IMR Electronics (now known as Expo International, Inc.), is not the manufacturer, tester, packer, or producer of the alleged battery type claimed by plaintiff to have caused injury. The Defendant is a distributor of LG Batteries, among other things. (Exhibit B, Affidavit of Expo). The Defendant sold batteries of this variety to the Defendant Vaper's Source sometime within the December 2015 to March 2016 time frame. (Exhibit B). The batteries were manufactured by LG Chem, a subsidiary of LG Electronics. (Exhibit B). This Defendant did not alter or modify the product in any way and has informed the plaintiff of the manufacturer. (Exhibit B).

Moreover, as laid out in Ala. Code § 6-5-521(d), a plaintiff should voluntarily dismiss an action against a retailer upon being informed about the manufacturer by certification from

the defendant retailer. Both Defendants in this case have notified the plaintiff of the manufacturer of the batteries alleged to have caused injuries to the plaintiff. Defendant Vaper's Source notified plaintiff about where it purchased the product (a distributor) as evidenced by the plaintiff amending his complaint to add additional parties and by correspondence of a certified affidavit to Plaintiff. (Exhibit D). Defendant Expo International has also informed the Plaintiff of the manufacturer information by affidavit. Therefore, under the Alabama Code designed to protect small retailers by requiring plaintiffs to voluntarily dismiss a suit once informed as to the correct manufacturer, Plaintiff should dismiss both defendants and pursue his claims against the correct entities.

II. Defendants are entitled to summary judgment as there are no viable claims against the Defendants and there is no causal relation to the alleged defect.

Certain claims in Alabama, such as claims made under the AEMLD, fall within the context of product liability actions. Alabama Code §6-5-521(a) states:

A "product liability action" means any action brought by a natural person for personal injury, death, or property damage caused by the manufacture, construction, design, formula, preparation, assembly, installation, testing, warnings, instructions, marketing, packaging, or labeling of a manufactured product when such action is based upon (1) negligence, (2) innocent or negligent misrepresentation, (3) the manufacturer's liability doctrine, (4) the Alabama extended manufacturer's liability doctrine as it exists or is hereafter construed or modified, (5) breach of any implied warranty, or (6) breach of any oral express warranty and no other.

Retailers may be subject to the AEMLD, but are provided protection in some instances. A defendant—other than a manufacturer—may escape liability by: "affirmatively show[ing] that

it did not contribute to the defective condition, had no knowledge of it, and had no opportunity to inspect the product.” In Re Yasmin & Yaz (Drospirenone) Mktg., Sales Practices & Prod. Liab. Litig., 870 F. Supp. 2d 587, 595 (S.D. Ill. 2012).(*citing* Mathis v. Harrel, Co. Inc., 828 So.2d 248, 258 (Ala. 2002)).

Additionally, the Alabama Extended Manufacturer Liability Doctrine (“AEMLD”) requires that a plaintiff prove the following to support his claim:

- (a) he suffered injury or damages to himself or his property by one who sells a product in a defective condition unreasonably dangerous to the plaintiff as the ultimate user or consumer, if
 - (1) the seller is engaged in the business of selling such a product, and
 - (2) it is expected to and does reach the user or consumer without substantial change in the condition in which it was sold.
- (b) Showing these elements, the plaintiff has proved a prima facie case although
 - (1) the seller has exercised all possible care in the preparation and sale of his product, and
 - (2) the user or consumer has not bought the product from, or entered into any contractual relation with, the seller.

Casrell v. Altec Indus., Inc., 335 So. 2d 128, 132-33 (Ala. 1976)(internal footnote omitted).

Under the AEMLD, a product is defective if it is unreasonably dangerous. Id. at 131; Moore v. Kawasaki Motors Corp., USA, 703 So. 2d 990 (Ala. Civ. App. 1997). Speculative evidence seeking to prove the existence of a defect at the time that the product leaves the Defendant’s possession is insufficient to survive summary judgment. Allstate Ins. Co. and Ceruzzi v. Mitsubishi electric America, Inc., 709 So. 2d 1306 (Ala. Civ. App. 1998). Alabama law recognizes causes of action under the AEMLD for manufacturing defects, design defects, and defective warnings.

The Alabama Supreme Court has held that “Under the lack of causal relation defense, a **retailer that only distributes finished products will not be liable under the AEMLD where the retailer received the product in a defective condition, did not contribute to the product's defective condition, and where no reasonable means of inspection could have revealed the alleged defective condition.**” In Re Yasmin & Yaz (Drospirenone) Mktg., Sales Practices & Prod. Liab. Litig., 870 F. Supp. 2d 587, 595 (S.D. Ill. 2012) (*citing* Fleming Farms v. Dixie Ag Supply, Inc. 631 So.2d 922,928 (Ala. 1994).

Moreover, under Johnson v. General Motors Corp., there must be a causal relation between the seller of the finished product and the subsequent defect. 82 F. Supp. 2d 1326, 1327 (S.D. Ala. 1997) The Plaintiff in Johnson even conceded, and the Court agreed, that “The affirmative defense of proximate cause or the **closed container defense** in a product liability action is based on the premise that a seller of a finished product is not responsible if, in fact, they had no nexis to the defect.” Johnson v. Gen. Motors Corp., 82 F. Supp. 2d 1326, 1327 (S.D. Ala. 1997)(see also Allen v. Delchamps, Inc., 624 So.2d 1065, 1069 (Ala. 1993) where in trying to establish the defense of a lack of causal relation, the defendant may show that there is no cause in fact between his activities in connection with the handling of the product and its defective condition).

The Allen court went to describe the defendant’s burden of proof as follows:

One way to establish this lack of a causal relation is for the defendant to show: “that he is in the business of either distributing or processing for distribution finished products; he received a product already in a defective condition; he did not contribute to this defective condition; he had neither knowledge of the defective condition, nor an opportunity to

inspect the product which was superior to the knowledge or opportunity of the consumer.”

Allen 264 So.2d at 1069, quoting Atkins v. American Motors Corp., 335 So.2d 134, 143 (Ala. 1976). The facts in Johnson v. General Motors Corporation, showed that the plaintiff did not present any evidence or allege sufficient facts to support her assumptions that an unidentified defect in a seat belt system could have been discovered by the defendant during its inspection of the subject vehicle. Johnson at 1328. The court also stated that the plaintiff’s claims for negligence and wantonness were subsumed and governed by the AEMLD, and that the defendant was a distributor, not a manufacturer, of the used vehicle at issue. Id. at 1327. Therefore, the Court held that the defendant was entitled to summary judgment as to each of the plaintiff’s claims.

In this case, Plaintiff’s claims against both Defendants fall under the AEMLD and cannot survive. Currently there is no evidence of any defect, latent or otherwise, to the battery. Even so, the Defendants were mere conduits with no contribution to the manufacturing of the battery and no way to inspect the battery for any possible defect.

Moreover, Plaintiff cannot present any evidence that the defendants performed a negligent act since the battery was never altered, modified, inspected, or changed in any way. The Defendants submit that they received the item directly from the wholesaler and/or manufacturers and did nothing to alter or inspect the product. The Plaintiff has offered no evidence whatsoever that the battery was defective or that defendants acted with intent to cause injury. Additionally, the plaintiff cannot obtain any evidence in this regard.

CONCLUSION

In sum, Plaintiff has not, nor cannot, produce any evidence that the Defendants had any nexus or causal relationship to the manufacturing or inspection of the battery. The Defendants are entitled to a defense under the “innocent seller act” through Ala. Code. §6-5-521 and under the “closed container defense” as discussed above. Defendants’ are entitled to summary judgment as to Plaintiff’s claims under the AEMLD, which governs the Plaintiff’s negligence and wantonness claims, and any and all other claims alleged by Plaintiff. Even if Plaintiff’s claims were not governed by the AEMLD, there is no evidence to show the Defendants acted negligently or wantonly. Because the Defendants were mere conduits of the alleged battery and the manufacturer and wholesale distributor are known, and have both been added as parties to this lawsuit, summary judgment is proper on all claims.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request the Court to enter summary judgment in their favor as to all of the Plaintiff’s claims against it as there is no genuine issue of material fact, and the defendants are entitled to judgment as a matter of law.

Defendants would also request any further or other relief to which they may be entitled.

Respectfully submitted,

s/John W. Clark, Jr.
John W. Clark, Jr.

Attorney for Expo International, Inc.

Clark, Hair & Smith, P.C.
1000 Urban Center Drive, Suite 125
Birmingham, Alabama 35242

s/A. Joe Peddy

A. Joe Peddy (BAR ID: PED002)

s/Clarence Rivers, IV

Clarence Rivers, IV (BAR ID: RIV010)

s/Hannah H. Stokes

Hannah H. Stokes (BAR ID: STO099)

Attorneys for Vaper's Source

**SMITH, SPIRES, PEDDY,
HAMILTON & COLEMAN, P.C.**
2015 Second Avenue North - Suite 200
Birmingham, Alabama 35203
(205) 251-5885
(205) 251-8642

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the Alabama Judicial System's E-Filing Website system which will send notification of such filing to the following e-mail address on this the 30th day of April, 2018.

Jonathan Brogdon
Church Brogdon
2101 1st Avenue North
Pell City, AL 35125

Joey Stevens
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, AL 35125

/s/Hannah H. Stokes
OF COUNSEL



EXHIBITS “A-D”

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

vs.

**LG CHEM, LTD; VAPER'S SOURCE;
CC'S TOBACCO and PACKAGE; et al.,**

Defendants.

**CIVIL ACTION NO.:
CV 16-900361**

AFFIDAVIT OF ROBERT SLAWSON

Before me, the undersigned Notary Public, in and for the State and County, personally came and appeared Robert Slawson, and after being duly sworn, states as follows:

1. My name is Robert Slawson and I am over the age of nineteen years old and competent to testify to the matters stated herein.

2. I have personal knowledge of the statements made in this Affidavit.

3. I am a member of Vaper's Source, LLC, operating as a business located in Trussville, Alabama.

4. Vaper's Source has been in business in this location since on or about September 7, 2015.

5. On or about November 23rd 2015, I purchased batteries from IMR Batteries.

6. Included in the above referenced purchase were twenty (20) LG HG2 18650 3000mAh 20A flat top batteries.

7. I ordered the batteries from IMR Batteries because they were selling authentic brand name batteries, specifically of the LG brand which I desired.

8. During the time frame surrounding this order, specifically from September 2015 through

December 2015, I only ordered batteries of the LG variety from IMR Batteries.

9. To purchase from IMR Batteries, I ordered through an online account portal within the IMR website.

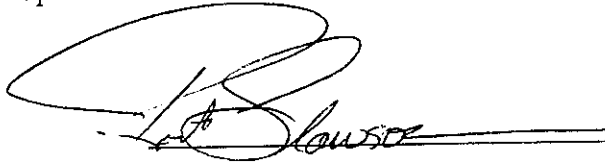
10. The batteries were shipped to me from IMR after purchase and arrived already packaged for sale.

11. I had no involvement with the manufacturing, designing, or packaging of the batteries.

12. Upon receipt of the batteries, I did nothing to alter, change, or modify the product.

13. The batteries were stored in a stock room at the business until time of sale and were never altered, changed, or modified by Vaper's Source.

Affiant further saith not.



Robert Slawson

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, the undersigned, a Notary Public in and for aforesaid state and county, hereby certify that Robert Slawson, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that having read the contents of said instrument, s/he executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal this 23rd day of May, 2017.


NOTARY PUBLIC

My Commission Expires: 9/13/19

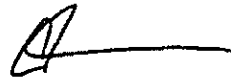
STATE OF TEXAS)
COUNTY OF HARRIS)

AFFIDAVIT

My name is Chetan Sachdev. I am an employee of Expo International, Inc., formerly d/b/a IMR Batteries, in Houston, Texas. I have firsthand knowledge of the facts contained herein.

During the time period from November 23, 2015 to March 7, 2016, we sold LG batteries described as LG HG2 18650 3000 mah 20A flat top to Vapers Source, LLC in Trussville, Alabama.

We were neither the manufacturer nor the assembler of the batteries. We did not have control over the design, testing, manufacturing, packaging or labeling of the product. We did not alter or modify the product in any way but sold it just as it came to us. They were furnished to us by a Chinese company called Shenzhen EVVA Technology Co. Limited whom we assumed to be the distributor. Their address is 4F Building A3, New Material Industrial Park of Silicon Valley, Dafu Industrial Zone, Guanlan, Longhua, Shenzhen, China.



Chetan Sachdev

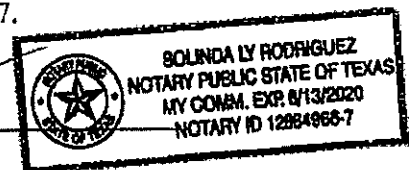
NOTARY PUBLIC

STATE OF TEXAS)
HARRIS COUNTY)

Before me, the notary public, in and for said county and state, personally appeared Chetan Sachdev and after being first duly sworn, did state that he has read the above and foregoing, and executed the same of his own free will.

Sworn to and subscribed this 21 day of September, 2017.

Notary Public



My Commission Expires: 06/13/2020

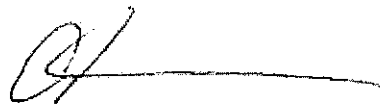
STATE OF TEXAS)
COUNTY OF HARRIS)

**SUPPLEMENTAL
AFFIDAVIT**

My name is Chetan Sachdev. This will supplement my affidavit of September 21, 2017.

The batteries referred to in my previous affidavit were manufactured by LG Chem, a subsidiary of LG Electronics.

Date:




Chetan Sachdev

NOTARY PUBLIC

STATE OF TEXAS)
Harris COUNTY)

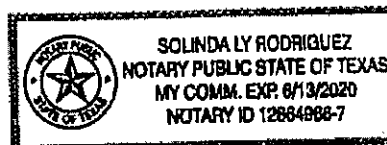
Before me, the notary public, in and for said county and state, personally appeared Chetan Sachdev and after being first duly sworn, did state that he has read the above and foregoing, and executed the same of his own free will.

Sworn to and subscribed this 15 day of March, 2018.



Notary Public

My Commission Expires: 06/13/18



2/6/2017

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Order #1595539

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Order Date: Aug 16th 2016

Your Order Contains:

- 4 x Efest LUC V4 4 Channel Battery Charger
- 50 x Samsung 25R 18650 2500mAh 20A Flat Top Battery

Order #1585043

[VIEW ORDER DETAILS](#)

Order Date: Jun 3rd 2016

Your Order Contains:

- 50 x Samsung 25R 18650 2500mAh 20A Flat Top Battery

Order #1581795

[VIEW ORDER DETAILS](#)

Order Date: May 9th 2016

Your Order Contains:

- 20 x Samsung 25R 18650 2500mAh 20A Flat Top Battery

Order #1574267

[VIEW ORDER DETAILS](#)

Order Date: Mar 7th 2016

Your Order Contains:

- 40 x Samsung 25R 18650 2500mAh 20A Flat Top Battery
- 40 x LG HG2 18650 3000mAh 20A Flat Top Battery

Order #1572406

[VIEW ORDER DETAILS](#)

Order Date: Feb 20th 2016

Your Order Contains:

- 5 x Efest LUC V4 4 Channel Battery Charger
- 5 x Efest LUC V6 6 Channel Battery Charger

2/6/2017

★ REVIEWS

Order #1571878

VIEW ORDER DE

Order Date: Feb 16th 2016

Your Order Contains:

- o 14 x Samsung 25R 18650 2500mAh 20A Flat Top Battery
- o 20 x LG HG2 18650 3000mAh 20A Flat Top Battery

Order #1569780

VIEW ORDER DE

Order Date: Feb 1st 2016

Your Order Contains:

- o 30 x Samsung 25R 18650 2500mAh 20A Flat Top Battery
- o 30 x LG HG2 18650 3000mAh 20A Flat Top Battery
- o 4 x Efest LUC V6 6 Channel Battery Charger

Order #1567711

VIEW ORDER DE

Order Date: Jan 13th 2016

Your Order Contains:

- o 30 x Samsung 25R 18650 2500mAh 20A Flat Top Battery

Order #1566194

VIEW ORDER DE

Order Date: Dec 29th 2015

Your Order Contains:

- o 10 x LG HG2 18650 3000mAh 20A Flat Top Battery

Order #1564280

VIEW ORDER DE

Order Date: Dec 14th 2015

Your Order Contains:

- o 10 x Samsung 25R 18650 2500mAh 20A Flat Top Battery
- o 10 x LG HG2 18650 3000mAh 20A Flat Top Battery

Order #1563532

VIEW ORDER DE

Order Date: Dec 4th 2015

Your Order Contains:

- o 10 x LG HG2 18650 3000mAh 20A Flat Top Battery

Order #1560981

VIEW ORDER DE

Order Date: Nov 23rd 2015

Your Order Contains:

- o 10 x Sony VTC4 18650 2100mAh 30A Flat Top Battery
- o 10 x Samsung 25R 18650 2500mAh 20A Flat Top Battery
- o 20 x LG HG2 18650 3000mAh 20A Flat Top Battery

Order #1558352

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Order Date: Oct 16th 2015

2/6/2017

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Your Order Contains:

- 20 x Samsung 25R 18650 2500mAh 20A Flat Top Battery - Green

Order #1555729

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Order Date: Sep 9th 2015

Your Order Contains:

- 30 x Sony VTC4 18650 2100mAh 30A Flat Top Battery
- 30 x Samsung 25R 18650 2500mAh 20A Flat Top Battery - Blue

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Maria Derzis

From: Hannah Stokes
Sent: Thursday, March 08, 2018 10:10 AM
To: jonathan@churchbrogdon.com
Cc: Maria Derzis
Subject: Gardner v Vape Escape 10004.354
Attachments: Affidavit of Slawson 10004.354.pdf

Jonathan:

I am writing to see if you have any update on the parties in this case, have you been able to bring in LG and has Jay Clark provided you with the information from his client about who the manufacturer was (LG or Shenzhen?).

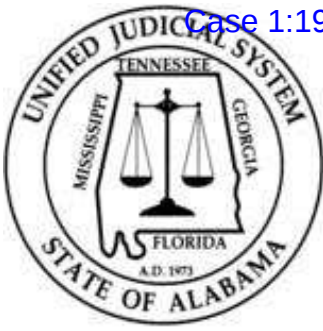
I wanted to make sure you also had our client's affidavit which informed you of where we got the batteries from – IMR, which you have successfully brought into the lawsuit. Pursuant to Ala. Code 6-5-501, we provided this affidavit to you so that you could bring the manufacturer into the case and dismiss Vape Escape. If you could provide me with any update, it would be much appreciated.

Thank you,

Hannah H. Stokes

Smith, Spires, Peddy, Hamilton, & Coleman, P.C.
2015 Second Avenue North - Suite 200
Birmingham, Alabama 35203
T: (205) 251-5885
F: (205) 251-8642
hstokes@ssp-law.com

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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: HANNAH HOOKS STOKES
hstokes@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

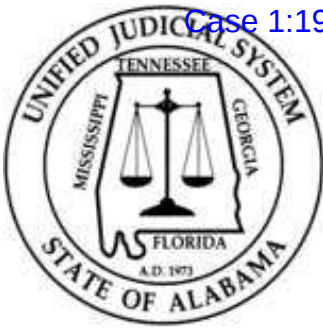
The following matter was FILED on 4/30/2018 10:41:59 AM

D002 VAPOR'S SOURCE
MOTION FOR SUMMARY JUDGMENT PURSUANT TO RULE 56
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P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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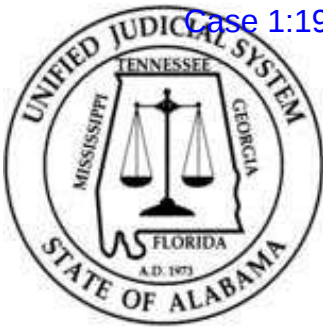
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[Filer: STOKES HANNAH HOOKS]

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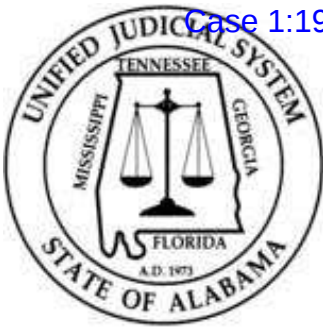
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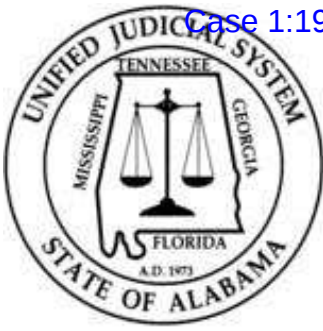
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joestevens01@gmail.com

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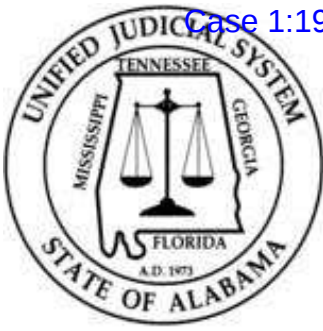
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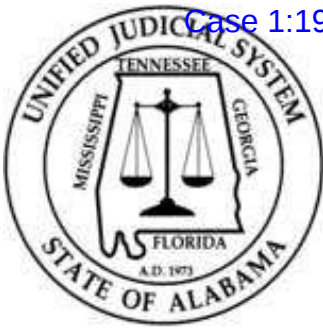
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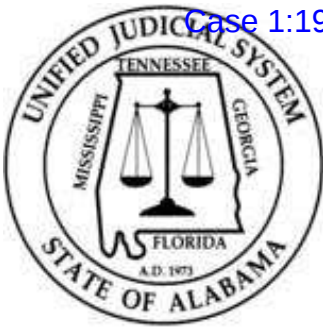
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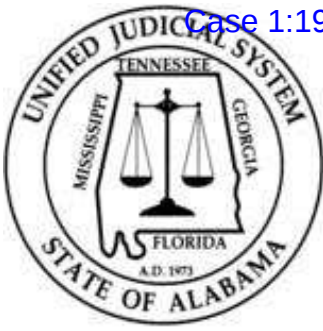
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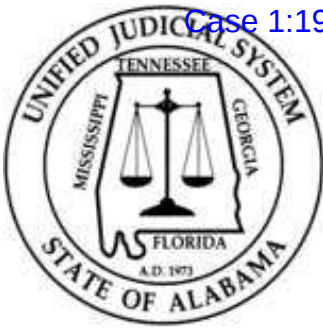
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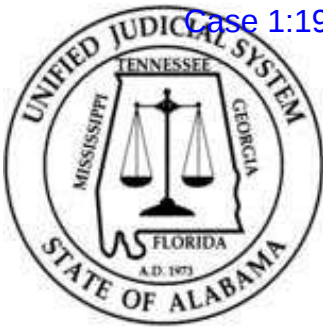
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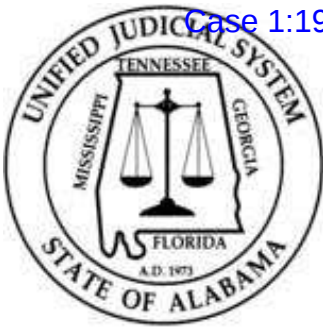
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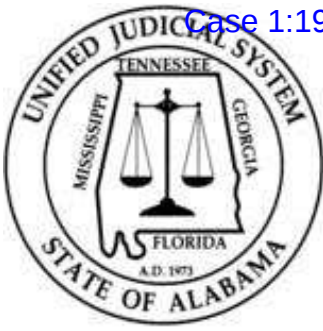
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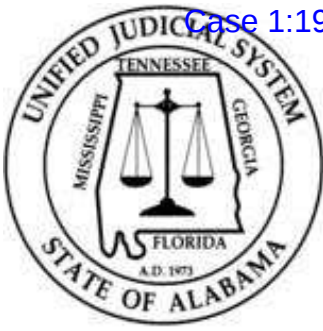
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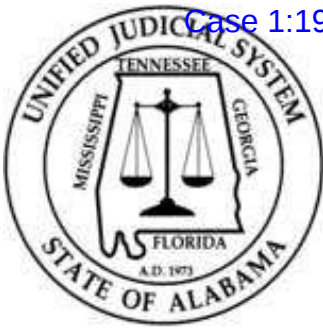
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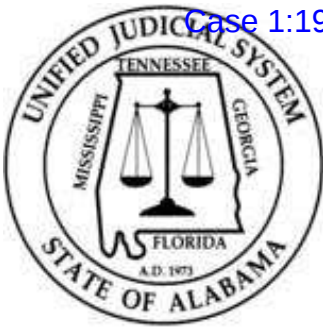
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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC.,
 VAPOR'S SOURCE, CC'S TOBACCO
 and PACKAGE, IMR ELECTRONICS,
 LLC, SHENZHEN SMOORE
 TECHNOLOGY LIMITED, SHENZHEN
 EVVA TECHNOLOGY CO. LIMITED,

Defendants.

Civil Action No.: CV-2016-900361

2018 JUN 25 PM 2:29
 BRIAN T. HAN
 CIRCUIT CLERK

PLAINTIFF'S THIRD AMENDED COMPLAINT

COMES NOW, the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and for his Third Amended Complaint would state as follows:

PARTIES

1. The Plaintiff adopts and incorporates any and all facts, averments and parties identified in his original Complaint, First Amended Complaint and Second Amended Complaint.

2. Defendant Shenzhen Evva Technology Co. Limited (hereinafter "Evva") is, upon information and belief, a Chinese supplier of batteries manufactured by, upon information and belief, LG Chem Limited. Further, upon information and belief, Evva supplied the batteries sold by Expo International to Vaper's Source, LLC, which batteries were ultimately purchased by Plaintiff Clayton Gardner.

FACTS

3. Plaintiff hereby adopts and incorporates all facts and averments set forth in his original Complaint, First Amended Complaint and Second Amended Complaint as if fully set forth herein.

**COUNT ONE
Negligence**

4. Plaintiff hereby adopts and incorporates paragraphs 1 through 3, above as well as all paragraphs set forth in his original Complaint, Amended Complaint and Second Amended Complaint as if fully set forth herein.

5. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to Evva as well as all other Defendants previously identified.

**COUNT TWO
Wantonness**

6. Plaintiff hereby adopts and incorporates paragraphs 1 through 5, above as well as all paragraphs set forth in his original Complaint, Amended Complaint and Second Amended Complaint as if fully set forth herein.

7. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to Evva as well as all other Defendants previously identified.

COUNT THREE**Alabama Extended Manufacturers Liability Doctrine**

8. Plaintiff hereby adopts and incorporates paragraphs 1 through 7, above as well as all paragraphs set forth in his original Complaint, Amended Complaint and Second Amended Complaint as if fully set forth herein.

19. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to Evva as well as all other Defendants previously identified.

Done this the 25th day of June, 2018.

/s/Jonathan L. Brogdon

JONATHAN L. BROGDON (BRO211)

Attorney for Plaintiff

OF COUNSEL:

CHURCH BROGDON, PC

2101 1st Avenue North

Pell City, Alabama 35125

T. 205-338-5715

F. 205-338-5717

/s/Joey Stevens

JOEY STEVENS (STE138)

Attorney for Plaintiff

OF COUNSEL:

The Law Office of Joey Stevens

2101 1st Avenue North

Pell City, Alabama 35125

T. 205-814-0011

CERTIFICATE OF SERVICE

I hereby certify that on this the 25th day of June, 2018, I electronically filed the foregoing with the Clerk of Court using the Alafile system, which will send notification of such filing to all parties of record.

/s/Jonathan L. Brogdon

Of Counsel

**PLEASE SERVE THE FOLLOWING DEFENDANTS VIA HAGUE CONVENTION ON
THE SERVICE ABROAD OF JUDICIAL AND EXTRA-JUDICIAL DOCUMENTS IN
CIVIL OR COMMERCIAL MATTERS:**

Shenzhen Evva Technology Co. Limited
4F Building A3
New Material Industrial Park of Silicon Valley
Dafu Industrial Zone
Guanlan, Longhua
Shenzhen, China

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC.,
 VAPOR'S SOURCE, CC'S TOBACCO
 and PACKAGE, IMR ELECTRONICS,
 LLC, SHENZHEN SMOORE
 TECHNOLOGY LIMITED, SHENZHEN
 EVVA TECHNOLOGY CO. LIMITED,

Defendants.

Civil Action No.: CV-2016-900361

2018 JUN 25 PM 2: 29
 BRIAN YOUNG
 CIRCUIT CLERK

**MOTION TO ISSUE PROCESS FOR SERVICE OF
 FOREIGN DEFENDANT**

COMES NOW, the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and moves this Honorable Court to issue process for purposes of service upon foreign defendants. As grounds therefore, Plaintiff would state as follows:

1. Based upon information obtained thus far, the Defendant identified as Shenzhen Smoore Technology Limited (hereinafter "Smoore") is believed to have manufactured and/or distributed the Vapresso vaping machine involved in this incident.

2. Further based upon information obtained thus far, the Defendant identified as Shenzhen Evva Technology Co. Limited (hereinafter "Evva") is believed to have distributed the LG batteries involved in the incident made the basis of this suit.

3. Both Smoore and Evva are, upon information and belief, foreign corporations headquartered in China. The addresses for each entity are:

Shenzhen SMOORE
Building 16, Dongcai; Industrial Park
Gushu Village, Xixiang Town
Bao'an District, Shenzhen, China 518102

Shenzhen Evva Technology Co. Limited
4F Building A3
New Material Industrial Park of Silicon Valley
Dafu Industrial Zone
Guanlan, Longhua
Shenzhen, China

4. Since both the United States and China are signatories to the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters, (20 U.S.T. 361; 658 U.N.T.S. 163) (hereinafter the "Hague Convention"), service in accordance with that treaty is the exclusive method of service of process.

5. Plaintiff hereby Moves this Honorable Court for an Order issuing process to be served upon Smoore and Evva pursuant to the Hague Convention.

Done this the 25 day of June, 2018.

/s/Jonathan L. Brogdon
JONATHAN L. BROGDON (BRO211)
Attorney for Plaintiff

OF COUNSEL:
CHURCH BROGDON, PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

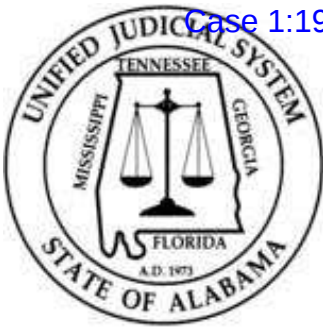
/s/Joey Stevens
JOEY STEVENS (STE138)
Attorney for Plaintiff

OF COUNSEL:
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011

CERTIFICATE OF SERVICE

I hereby certify that on this the 25th day of June, 2018, I electronically filed the foregoing with the Clerk of Court using the Alafile system, which will send notification of such filing to all parties of record.

/s/Jonathan L. Brogdon
Of Counsel



AlaFile E-Notice

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Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

COURTESY NOTICE

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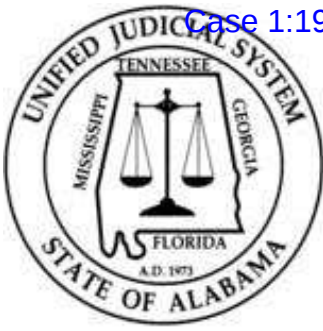
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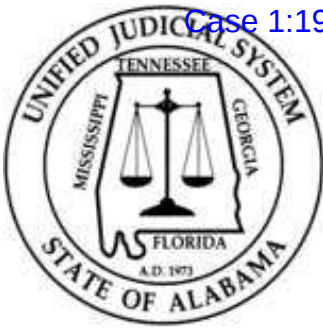
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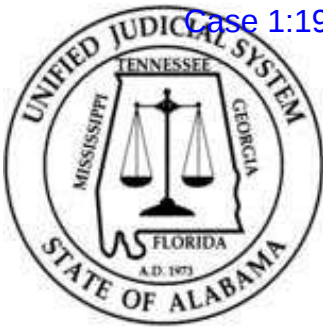
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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: RIVERS CLARENCE IV
Chip@ssp-law.com

COURTESY NOTICE

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following matter was FILED on 6/25/2018 2:37:45 PM

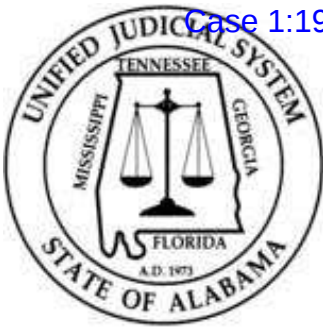
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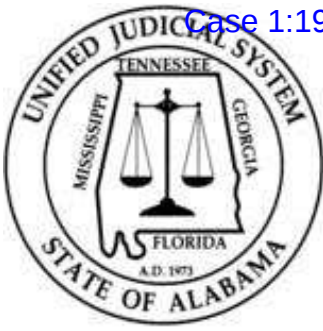
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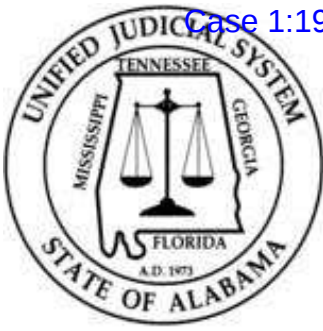
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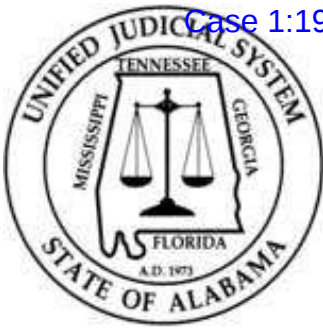
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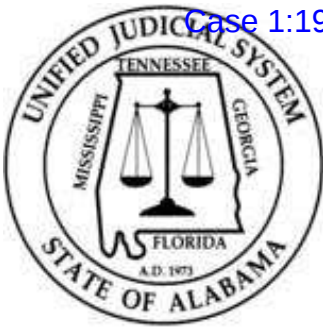
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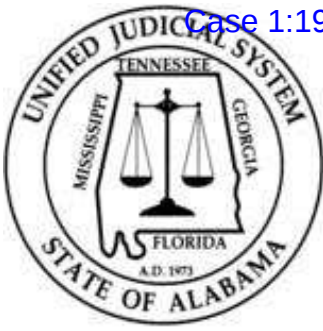
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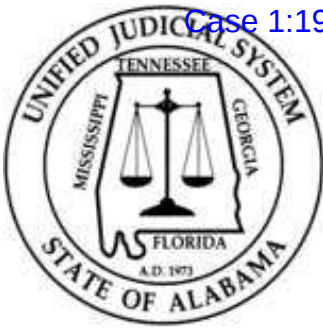
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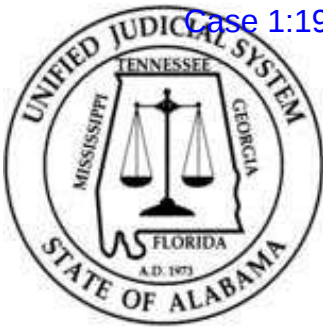
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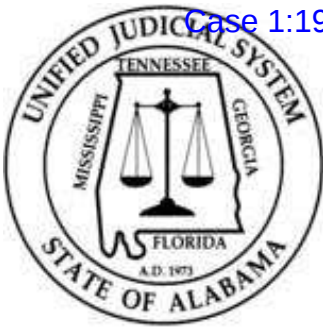
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C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

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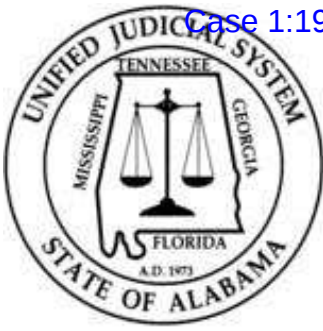
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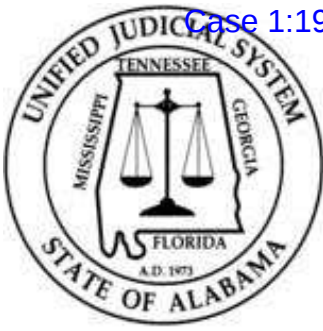
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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No.: CV-2016-900361
)	
LG CHEM, LTD, et al.,)	
)	
Defendants.)	

STIPULATION OF PRO TANTO DISMISSAL

Comes now the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record, and hereby stipulates to the dismissal of Vaper's Source and IMR Electronics (now known as Expo International, Inc. based upon the following:

1. Both Vaper's Source and IMR Electronics have provided the identity of the original manufacturer of the battery(ies) involved in the incident made the basis of this action.
2. Additionally, both Vaper's Source and IMR Electronics have established that they did not alter the batteries distributed and/or sold by them and eventually purchased by Plaintiff.
3. As such, pursuant to Alabama Code § 6-5-521, both Vaper's Source and IMR Electronics are due to be dismissed.

WHEREFORE, PREMISES CONSIDERED, Plaintiff hereby stipulates to the *pro tanto* dismissal of any claims against both Vaper's Source and IMR Electronics.

Done this the 25th day of June, 2018.

/s/Jonathan L. Brogdon

JONATHAN L. BROGDON (BRO211)

OF COUNSEL:

CHURCH BROGDON, PC

2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

CERTIFICATE OF SERVICE

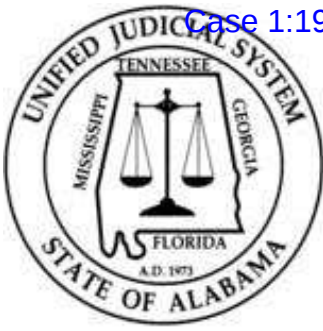
I hereby certify that I have served a copy of the above and foregoing by electronic transmission through the Alafire electronic system and/or by mailing a copy of same, postage prepaid and properly addressed as follows:

John W. Clark, Jr.
CLARK, HAIR & SMITH, P.C.
1000 Urban Center Drive, Suite 125
Birmingham, Alabama 35242

A. Joe Peddy
Clarence Rivers, IV
Hannah H. Stokes
SMITH, SPIRES, PEDDY,
HAMILTON & COLEMAN, P.C.
2015 Second Avenue North – Suite 200
Birmingham, Alabama 35203

/s/Jonathan L. Brogdon

OF COUNSEL



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jonathan@churchbrogdon.com

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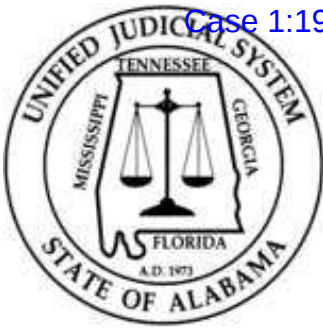
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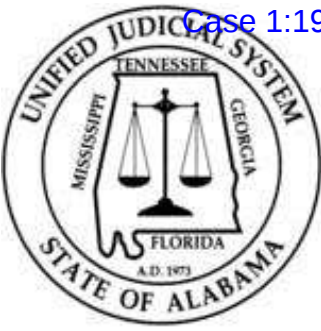
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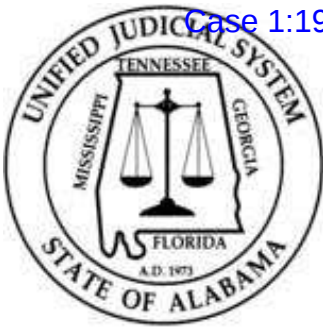
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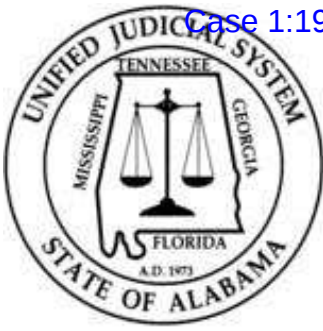
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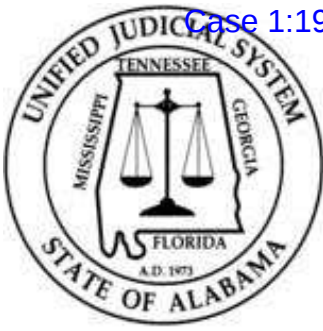
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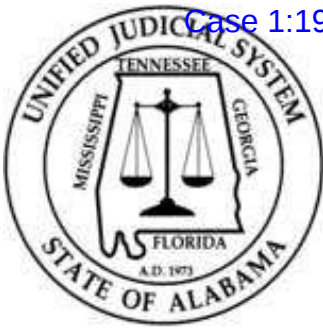
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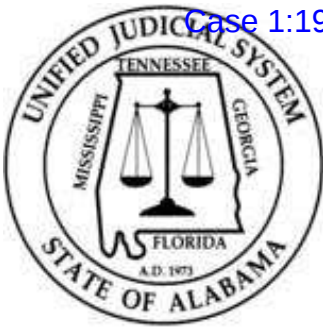
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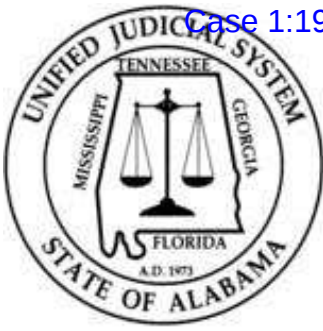
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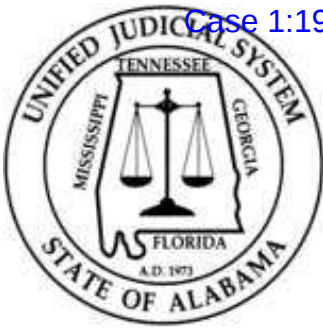
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**STATE OF ALABAMA**

Revised 3/5/08

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Unified Judicial System

61-TALLADEGA

☐ District Court ☒ Circuit Court

CV21

CLAYTON GARDNER V. LG ELECTRONICS, INC.
ET AL**CIVIL MOTION COVER SHEET**

Name of Filing Party: C001 - GARDNER CLAYTON

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

JONATHAN LYN BROGDON

2101 1st Avenue North

Pell City, AL 35125

Attorney Bar No.: BRO211

☐ Oral Arguments Requested**TYPE OF MOTION****Motions Requiring Fee**

- ☐ Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
- Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment pursuant to Rule 56 (\$50.00)
- ☐ Motion to Intervene (\$297.00)
- ☐ Other _____
pursuant to Rule _____ (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

☐ Local Court Costs \$ 0 _____

Motions Not Requiring Fee

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during Trial)
- ☐ Disburse Funds
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Pendente Lite
- ☐ Plaintiff's Motion to Dismiss
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Vacate or Modify
- ☐ Withdraw
- ☒ Other _____ Stipulation of Pro Tanto Dismissal
pursuant to Rule None _____ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees) ☐

Date:
6/26/2018 9:38:48 AM

Signature of Attorney or Party
/s/ JONATHAN LYN BROGDON

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.



IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No.: CV-2016-900361
)	
LG CHEM, LTD, et al.,)	
)	
Defendants.)	

STIPULATION OF PRO TANTO DISMISSAL

Comes now the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record, and hereby stipulates to the dismissal of Vaper's Source and IMR Electronics (now known as Expo International, Inc. based upon the following:

1. Both Vaper's Source and IMR Electronics have provided the identity of the original manufacturer of the battery(ies) involved in the incident made the basis of this action.
2. Additionally, both Vaper's Source and IMR Electronics have established that they did not alter the batteries distributed and/or sold by them and eventually purchased by Plaintiff.
3. As such, pursuant to Alabama Code § 6-5-521, both Vaper's Source and IMR Electronics are due to be dismissed.

WHEREFORE, PREMISES CONSIDERED, Plaintiff hereby stipulates to the *pro tanto* dismissal of any claims against both Vaper's Source and IMR Electronics.

Done this the 26th day of June, 2018.

/s/Jonathan L. Brogdon

JONATHAN L. BROGDON (BRO211)

OF COUNSEL:

CHURCH BROGDON, PC

2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

CERTIFICATE OF SERVICE

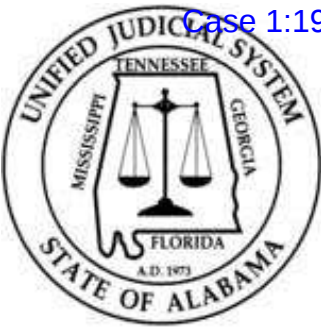
I hereby certify that I have served a copy of the above and foregoing by electronic transmission through the Alafile electronic system and/or by mailing a copy of same, postage prepaid and properly addressed as follows:

John W. Clark, Jr.
CLARK, HAIR & SMITH, P.C.
1000 Urban Center Drive, Suite 125
Birmingham, Alabama 35242

A. Joe Peddy
Clarence Rivers, IV
Hannah H. Stokes
SMITH, SPIRES, PEDDY,
HAMILTON & COLEMAN, P.C.
2015 Second Avenue North – Suite 200
Birmingham, Alabama 35203

/s/Jonathan L. Brogdon

OF COUNSEL



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

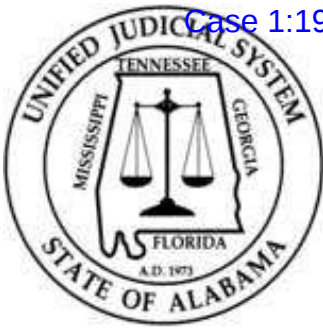
The following matter was FILED on 6/26/2018 9:39:52 AM

C001 GARDNER CLAYTON
STIPULATION OF PRO TANTO DISMISSAL
[Filer: BROGDON JONATHAN LYN]

Notice Date: 6/26/2018 9:39:52 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

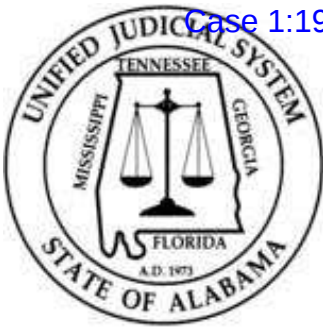
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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

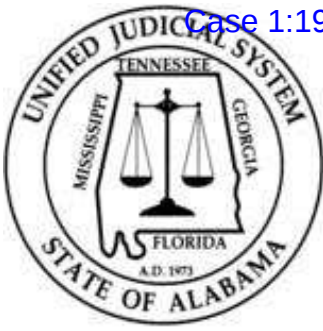
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: SHENZHEN EVVA TECHNOLOGY CO. LTD. (PRO SE)
4F BUILDING A3, NEW MATER
INDRL. PK SILICON VALLEY
SHENZHEN, XX, 00000-0000

NOTICE OF ELECTRONIC FILING

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61-CV-2016-900361.00

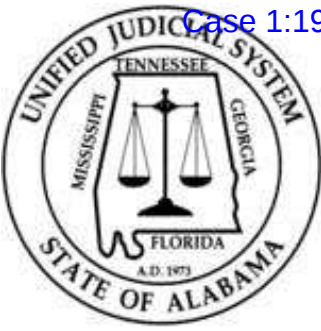
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

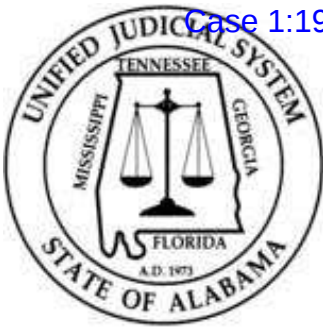
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: RIVERS CLARENCE IV
Chip@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
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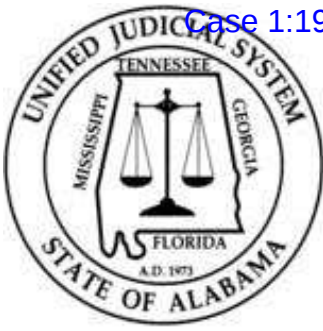
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61-CV-2016-900361.00

Judge: JULIAN M KING

To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

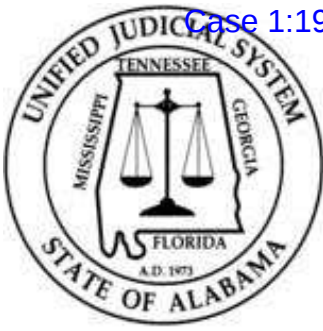
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: CLARK JOHN WESLEY JR.
jclark@chslaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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brian.york@alacourt.gov

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,

*

*

PLAINTIFF,

*

*

VS.

*

*

CIVIL ACTION NUMBER:
CV 2016-900361

LG CHEM, LTD, et al.,

*

*

DEFENDANTS.

*

ORDER

This matter coming on before the Court on the 26th day of June, 2018 based on a Stipulation of Pro Tanto Dismissal between the Plaintiff and the Defendants, Vapor's Source and IMR Electronics (n/k/a Expo International, Inc.); the Court having considered the filing; and upon consideration thereof, it is,

Therefore, **CONSIDERED** and **ORDERED** as follows:

1. The Plaintiff's claims against the Defendants, Vapor's Source and IMR Electronic (n/k/a Expo International, Inc.) are hereby dismissed pursuant to the Stipulation of Pro Tanto Dismissal.

2. The Plaintiff's Motion to Issue Process for Service of Foreign Defendant, Shenzhen Smoore and Shenzhen Evva Technology Co. Limited, as set out in the motion is GRANTED.

3. That the hearing scheduled on the Motion to Issue Process for Service of Foreign Defendant and Motion for Summary Judgment scheduled for the 27th day of June, 2018 at 11:00 a.m. is canceled.

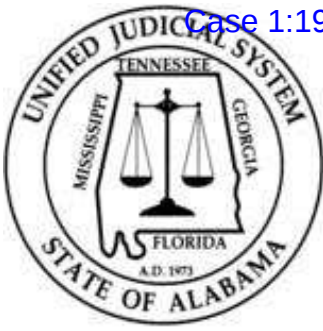
4. That the Motion for Summary Judgment filed on behalf of the Defendants, Vaper's Source and IMR Electronics is MOOT.
5. That a copy of this Order be forwarded to counsel of record for all parties.

This the 26th day of June, 2018.

s/Julian M. King

JULIAN M. KING

PRESIDING CIRCUIT JUDGE



AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: BROGDON JONATHAN LYN
jonathan@churchbrogdon.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

A court action was entered in the above case on 6/26/2018 11:26:47 AM

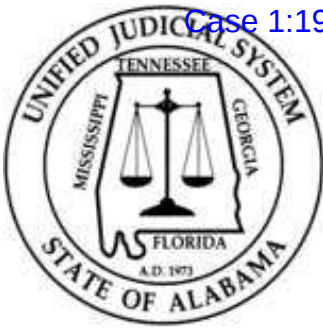
ORDER

[Filer:]

Disposition: GRANTED
Judge: JMK
Notice Date: 6/26/2018 11:26:47 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STEVENS JOSEPH DWAYNE
joestevens01@gmail.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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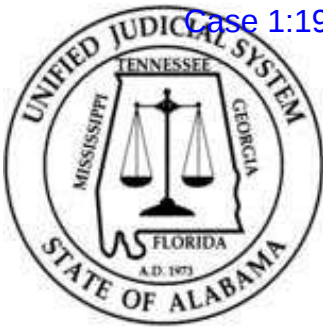
ORDER

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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: PEDDY ALBRY JOE
ajp@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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ORDER

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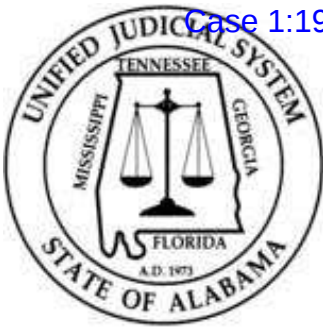
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TALLADEGA COUNTY, ALABAMA
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: RIVERS CLARENCE IV
Chip@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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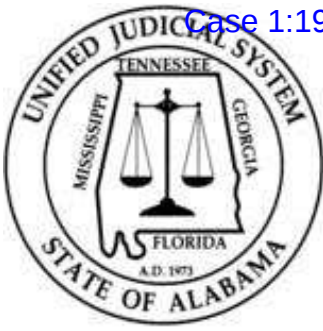
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
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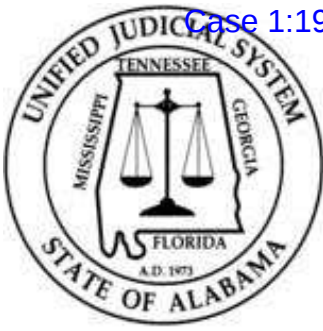
ORDER

[Filer:]

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Judge: JMK
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: CLARK JOHN WESLEY JR.
jclark@chslaw.com

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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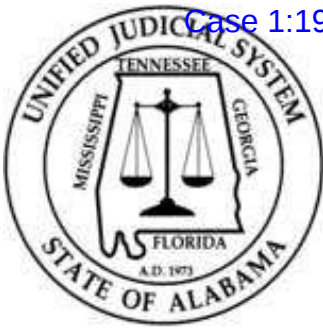
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AlaFile E-Notice

61-CV-2016-900361.00

Judge: JULIAN M KING

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
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HUNTSVILLE, AL, 35806-0000

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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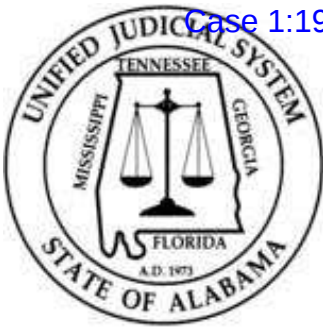
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AlaFile E-Notice

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Judge: JULIAN M KING

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

NOTICE OF COURT ACTION

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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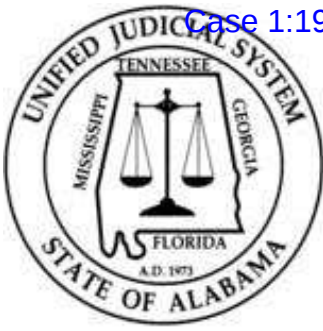
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Judge: JULIAN M KING

To: SHENZHEN EVVA TECHNOLOGY CO. LTD. (PRO SE)
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NOTICE OF COURT ACTION

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AlaFile E-Notice

ELECTRONICALLY FILED
7/27/2018 4:16 PM
61-CV-2016-900361.00
CIRCUIT COURT OF
TALLADEGA COUNTY, ALABAMA
BRIAN YORK, CLERK

61-CV-2016-900361.00

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

The following complaint was FILED on 5/23/2017 11:33:29 AM

Notice Date: 5/23/2017 11:33:29 AM

BRIAN YORK
CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

CLAYTON GARDNER,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No.: CV-2016-900361
)	
LG ELECTRONICS U.S.A., INC.,)	
VAPOR'S SOURCE, CC'S TOBACCO)	
and PACKAGE, IMR ELECTRONICS,)	
LLC, SHENZHEN SMOORE)	
TECHNOLOGY LIMITED, and)	
FICTITIOUS DEFENDANTS A)	
THROUGH C,)	
)	
Defendants.)	

PLAINTIFF'S SECOND AMENDED COMPLAINT

COMES NOW, the Plaintiff, Clayton Gardner, by and through the undersigned counsel of record and for his Second Amendment to the Complaint would state as follows:

PARTIES

1. The Plaintiff adopts and incorporates any and all facts, averments and parties identified in his original Complaint and First Amended Complaint.

2. Defendant IMR Electronics, LLC (hereinafter "IMR") is, upon information and belief a Texas corporation doing business in Alabama by way of agent and/or distribution. Further, upon information and belief, IMR was the distributor of the LG battery at issue in this case. As such, IMR is being substituted in place of fictitious Defendant A.

3. Shenzhen SMOORE Technology Limited (hereinafter "Shenzhen") is, upon informant and belief, a Chinese manufacturer of vaping machines under the brand name of "Vapresso". Further, upon information and belief, Shenzhen is the manufacture of the device

utilized by Gardner at the time of the incident made the basis of this action. Shenzhen does business in the State of Alabama by way of agent and/or distribution.

FACTS

4. Plaintiff hereby adopts and incorporates all facts and averments set forth in his original Complaint as well as the First Amended Complaint.

COUNT ONE

Negligence

5. Plaintiff hereby adopts and incorporates paragraphs 1 through 4, above as well as all paragraphs set forth in his original Complaint and Amended Complaint as if fully set forth herein.

6. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to IMR and Shenzhen as well as all other Defendants previously identified.

COUNT TWO

Wantonness

7. Plaintiff hereby adopts and incorporates paragraphs 1 through 6, above as well as all paragraphs set forth in his original Complaint and Amended Complaint as if fully set forth herein.

8. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to IMR and Shenzhen as well as all other Defendants previously identified.

COUNT THREE
Alabama Extended Manufacturers Liability Doctrine

9. Plaintiff hereby adopts and incorporates paragraphs 1 through 8, above as well as all paragraphs set forth in his original Complaint and Amended Complaint as if fully set forth herein.

10. Plaintiff hereby adopts the averments, claims and prayers for relief set forth in Count One of his original Complaint as if fully set forth herein with said averments, claims and prayers for relief applying to IMR and Shenzhen as well as all other Defendants previously identified.

Done this the 23rd day of May, 2017.

/s/Jonathan L. Brogdon
JONATHAN L. BROGDON (BRO211)
Attorney for Plaintiff

OF COUNSEL:
CHURCH BROGDON, PC
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-338-5715
F. 205-338-5717

/s/Joey Stevens
JOEY STEVENS (STE138)
Attorney for Plaintiff

OF COUNSEL:
The Law Office of Joey Stevens
2101 1st Avenue North
Pell City, Alabama 35125
T. 205-814-0011

CERTIFICATE OF SERVICE

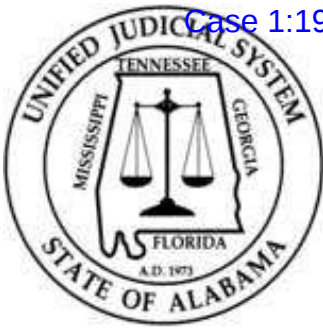
I hereby certify that on this the 23rd day of May, 2017, I electronically filed the foregoing with the Clerk of Court using the Alafile system, which will send notification of such filing to all parties of record.

/s/Jonathan L. Brogdon
Of Counsel

PLEASE SERVE THE FOLLOWING DEFENDANTS VIA CERTIFIED MAIL:

IMR Electronics, LLC
c/o Philip Levin
5330 Vista Road
Pasadena, TX 77505

Shenzhen SMOORE **(HOLD ON SERVICE)**
Building 16, Dongcai; Industrial Park
Gushu Village, Xixiang Town
Bao'an District, Shenzhen, China 518102



AlaFile E-Notice

61-CV-2016-900361.00

To: JONATHAN LYN BROGDON
jonathan@churchbrogdon.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

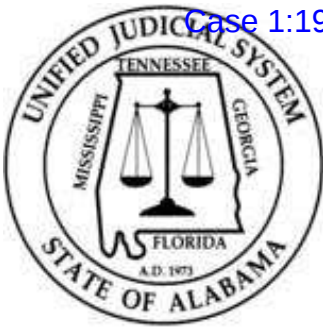
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL
61-CV-2016-900361.00

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Notice Date: 7/9/2018 4:16:49 PM

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CIRCUIT COURT CLERK
TALLADEGA COUNTY, ALABAMA
P O BOX 6137
TALLADEGA, AL, 35160

256-761-2102
brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: SHENZHEN SMOORE
BLDG. 16 DONGCAI, IND. PK
GUSHU VILL. XIXIANG TOWN
SHENZHEN, AL, 35125

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

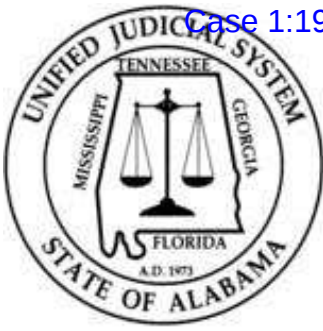
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AlaFile E-Notice

61-CV-2016-900361.00

To: LG ELECTRONICS, INC. (PRO SE)
C/O KYU M. YU
201 JAMES RECORD ROAD
HUNTSVILLE, AL, 35806-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

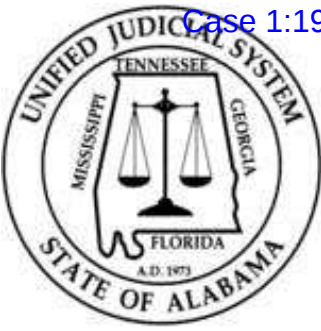
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brian.york@alacourt.gov



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61-CV-2016-900361.00

To: CC'S TOBACCO & PACKAGE (PRO SE)
8045 STEMLEY BRIDGE ROAD
TALLADEGA, AL, 35160-0000

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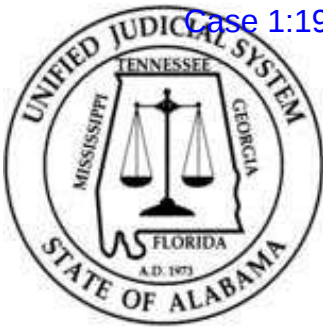
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brian.york@alacourt.gov



AlaFile E-Notice

61-CV-2016-900361.00

To: SHENZHEN EVVA TECHNOLOGY CO. LTD. (PRO SE)
4F BUILDING A3, NEW MATER
INDRL. PK SILICON VALLEY
SHENZHEN, XX, 00000-0000

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

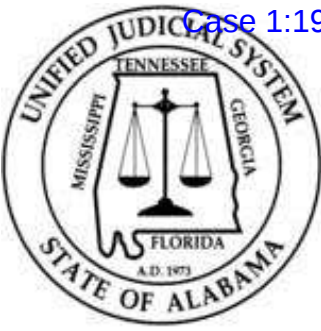
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61-CV-2016-900361.00

To: STEVENS JOSEPH DWAYNE
joystevens01@gmail.com

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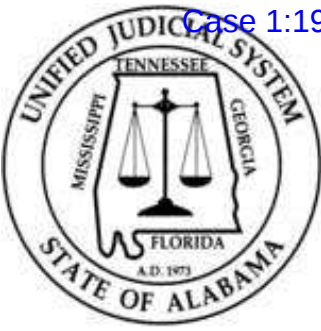
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To: PEDDY ALBRY JOE
ajp@ssp-law.com

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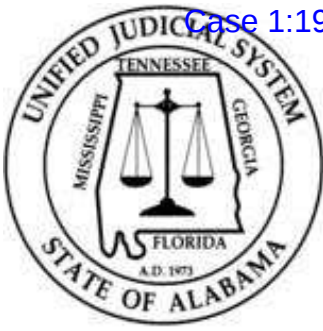
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61-CV-2016-900361.00

To: RIVERS CLARENCE IV
Chip@ssp-law.com

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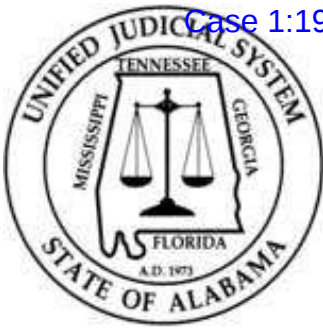
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61-CV-2016-900361.00

To: STOKES HANNAH HOOKS
hstokes@ssp-law.com

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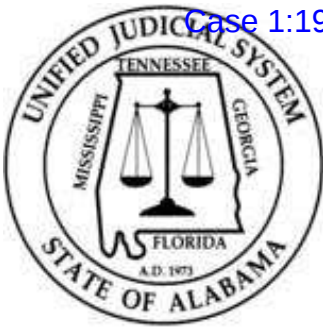
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61-CV-2016-900361.00

To: CLARK JOHN WESLEY JR.
jclark@chslaw.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA

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State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 61-CV-2016-900361.00
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IN THE CIRCUIT COURT OF TALLADEGA COUNTY, ALABAMA
CLAYTON GARDNER V. LG ELECTRONICS, INC. ET AL

NOTICE TO: SHENZHEN SMOORE, BLDG. 16 DONGCAI, IND. PK GUSHU VILL. XIXIANG TOWN, SHENZHEN, AL 35125

(Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), JONATHAN LYN BROGDON

(Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 2101 1st Avenue North, Pell City, AL 35125

(Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL
PROCEDURE TO SERVE PROCESS:

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of GARDNER CLAYTON pursuant to the Alabama Rules of the Civil Procedure.

(Name(s))

7/9/2018 4:16:49 PM /s/ BRIAN YORK By: _____
 (Date) (Signature of Clerk) (Name)

☒ Certified Mail is hereby requested. /s/ JONATHAN LYN BROGDON
 (Plaintiff's/Attorney's Signature)

RETURN ON SERVICE

☐ Return receipt of certified mail received in this office on _____
 (Date)

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to _____
 _____ in _____ County,
 (Name of Person Served) (Name of County)

Alabama on _____
 (Date)

_____ _____ _____
 (Type of Process Server) (Server's Signature) (Address of Server)

_____ _____
 (Server's Printed Name) (Phone Number of Server)